

SENATE BILL 425

E2, E4

(9lr1991)

ENROLLED BILL

—*Judicial Proceedings / Judiciary*—

Introduced by **Senators Jacobs, Astle, Brochin, Colburn, DeGrange, Glassman, Harris, Klausmeier, Kramer, McFadden, Mooney, and Stone**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Offender Registry – Retroactivity**

3 FOR the purpose of providing that certain provisions requiring the registration on a
4 certain offender registry of certain persons convicted of committing certain
5 offenses are to be applied retroactively to include a person convicted on or after
6 a certain date of an offense committed before a certain date; requiring the
7 Department of Public Safety and Correctional Services to contact and notify
8 certain individuals of the registration requirements under this Act; and
9 generally relating to the offender registry.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Procedure
12 Section 11–702.1
13 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



1 (2008 Replacement Volume)

2 BY repealing and reenacting, without amendments,
 3 Article – Criminal Procedure
 4 Section 11–704
 5 Annotated Code of Maryland
 6 (2008 Replacement Volume)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article – Criminal Procedure**

10 11–702.1.

11 (a) Notwithstanding any other provision of law to the contrary, except as
 12 provided in subsection (b) of this section, this subtitle shall be applied retroactively to
 13 include a registrant convicted of an offense committed before July 1, 1997, and who is
 14 under the custody or supervision of a supervising authority on October 1, 2001.

15 (b) Notwithstanding any other provision of law to the contrary, this subtitle
 16 shall be applied retroactively to a child sexual offender who committed the sexual
 17 offense on or before October 1, 1995, and who is under the custody or supervision of a
 18 supervising authority on October 1, 2001.

19 (c) **(1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE**
 20 **CONTRARY, THIS SUBTITLE SHALL BE APPLIED RETROACTIVELY TO INCLUDE:**

21 **(I) A PERSON CONVICTED ON OR AFTER JULY 1, 1997, OF**
 22 **AN OFFENSE COMMITTED BEFORE JULY 1, 1997, FOR WHICH REGISTRATION AS A**
 23 **SEXUALLY VIOLENT PREDATOR OR SEXUALLY VIOLENT OFFENDER IS REQUIRED**
 24 **UNDER THIS SUBTITLE; AND**

25 **(II) A PERSON CONVICTED ON OR AFTER OCTOBER 1, 1995,**
 26 **OF ONE OF THE FOLLOWING OFFENSES COMMITTED BEFORE OCTOBER 1, 1995:**

27 **(1) RAPE IN THE FIRST DEGREE UNDER § 3-303 OF THE**
 28 **CRIMINAL LAW ARTICLE;**

29 **(2) RAPE IN THE SECOND DEGREE UNDER § 3-304(A)(1) OR (2) OF**
 30 **THE CRIMINAL LAW ARTICLE;**

31 **(3) SEXUAL OFFENSE IN THE FIRST DEGREE UNDER § 3-305 OF**
 32 **THE CRIMINAL LAW ARTICLE;**

1 ~~(4) SEXUAL OFFENSE IN THE SECOND DEGREE UNDER §~~
2 ~~3-306(A)(1) OR (2) OF THE CRIMINAL LAW ARTICLE; OR~~

3 ~~(5) SEXUAL ABUSE OF A MINOR UNDER § 3-602 OF THE CRIMINAL~~
4 ~~LAW ARTICLE OF AN OFFENSE COMMITTED BEFORE OCTOBER 1, 1995, FOR~~
5 ~~WHICH REGISTRATION AS A SEXUALLY VIOLENT PREDATOR, SEXUALLY VIOLENT~~
6 ~~OFFENDER, OR A CHILD SEX CHILD SEXUAL OFFENDER IS REQUIRED UNDER~~
7 ~~THIS SUBTITLE.~~

8 **(2) THE DEPARTMENT SHALL CONTACT AND NOTIFY EACH**
9 **PERSON WHO IS NOT UNDER THE CUSTODY OR SUPERVISION OF A SUPERVISING**
10 **AUTHORITY ON OCTOBER 1, 2009, FOR WHOM REGISTRATION IS REQUIRED**
11 **UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

12 11-704.

13 (a) A person shall register with the person's supervising authority if the
14 person is:

15 (1) a child sexual offender;

16 (2) an offender;

17 (3) a sexually violent offender;

18 (4) a sexually violent predator;

19 (5) a child sexual offender who, before moving into this State, was
20 required to register in another state or by a federal, military, or Native American
21 tribal court for a crime that occurred before October 1, 1995;

22 (6) an offender, sexually violent offender, or sexually violent predator
23 who, before moving into this State, was required to register in another state or by a
24 federal, military, or Native American tribal court for a crime that occurred before July
25 1, 1997; or

26 (7) a child sexual offender, offender, sexually violent offender, or
27 sexually violent predator who is required to register in another state, who is not a
28 resident of this State, and who enters this State:

29 (i) to carry on employment;

30 (ii) to attend a public or private educational institution,
31 including a secondary school, trade or professional institution, or institution of higher
32 education, as a full-time or part-time student; or

1 (iii) as a transient.

2 (b) Notwithstanding any other provision of law, a person is no longer subject
3 to registration under this subtitle if:

4 (1) the underlying conviction requiring registration is reversed,
5 vacated, or set aside; or

6 (2) the registrant is pardoned for the underlying conviction.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2009.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.