

# SENATE BILL 425

E2, E4  
SB 629/08 – JPR

9lr1991

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

Introduced and read first time: February 2, 2009

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 31, 2009

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## 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  
14 (2008 Replacement Volume)

15 BY repealing and reenacting, without amendments,  
16 Article – Criminal Procedure  
17 Section 11–704  
18 Annotated Code of Maryland  
19 (2008 Replacement Volume)

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

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**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.



1 **Article – Criminal Procedure**

2 11-702.1.

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

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

11 (c) **(1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE**  
12 **CONTRARY, THIS SUBTITLE SHALL BE APPLIED RETROACTIVELY TO INCLUDE A**  
13 **PERSON CONVICTED ON OR AFTER OCTOBER 1, 1995, OF ONE OF THE**  
14 **FOLLOWING OFFENSES COMMITTED BEFORE OCTOBER 1, 1995:**

15 ~~**(1) RAPE IN THE FIRST DEGREE UNDER § 3-303 OF THE**~~  
16 ~~**CRIMINAL LAW ARTICLE;**~~

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

19 ~~**(3) SEXUAL OFFENSE IN THE FIRST DEGREE UNDER § 3-305 OF**~~  
20 ~~**THE CRIMINAL LAW ARTICLE;**~~

21 ~~**(4) SEXUAL OFFENSE IN THE SECOND DEGREE UNDER §**~~  
22 ~~**3-306(A)(1) OR (2) OF THE CRIMINAL LAW ARTICLE; OR**~~

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

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

31 11-704.

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

- 1           (1)    a child sexual offender;
- 2           (2)    an offender;
- 3           (3)    a sexually violent offender;
- 4           (4)    a sexually violent predator;
- 5           (5)    a child sexual offender who, before moving into this State, was  
6 required to register in another state or by a federal, military, or Native American  
7 tribal court for a crime that occurred before October 1, 1995;
- 8           (6)    an offender, sexually violent offender, or sexually violent predator  
9 who, before moving into this State, was required to register in another state or by a  
10 federal, military, or Native American tribal court for a crime that occurred before July  
11 1, 1997; or
- 12          (7)    a child sexual offender, offender, sexually violent offender, or  
13 sexually violent predator who is required to register in another state, who is not a  
14 resident of this State, and who enters this State:
- 15                   (i)    to carry on employment;
- 16                   (ii)   to attend a public or private educational institution,  
17 including a secondary school, trade or professional institution, or institution of higher  
18 education, as a full-time or part-time student; or
- 19                   (iii)   as a transient.
- 20          (b)    Notwithstanding any other provision of law, a person is no longer subject  
21 to registration under this subtitle if:
- 22                   (1)    the underlying conviction requiring registration is reversed,  
23 vacated, or set aside; or
- 24                   (2)    the registrant is pardoned for the underlying conviction.

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