HOUSE BILL 1194

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By: Delegates Hecht, Bobo, Carr, G. Clagett, Dumais, Frick, Glenn, Hucker, Kullen, Lee, Montgomery, Murphy, Niemann, Rice, and Rudolph Introduced and read first time: February 18, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 Criminal Procedure – Registration of Sexual Offenders – Continuing Course 3 of Conduct

FOR the purpose of adding to the definition of child sexual offender for the purpose of a certain offender registry a person who has been convicted of a certain offense of continuing course of conduct with a child; providing a certain term of registration for certain child sexual offenders; providing for the application of this Act; and generally relating to the registration of sexual offenders.

- 9 BY repealing and reenacting, with amendments,
- 10 Article Criminal Procedure
- 11 Section 11–701(c) and 11–707(a)
- 12 Annotated Code of Maryland
- 13 (2008 Replacement Volume and 2009 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 15 MARYLAND, That the Laws of Maryland read as follows:

Article – Criminal Procedure

17 11–701.

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18 (c) "Child sexual offender" means a person who:

19 (1) has been convicted of violating § 3–315 OR § 3–602 of the Criminal 20 Law Article;

(2) has been convicted of violating any of the provisions of the rape or
sexual offense statutes under §§ 3–303 through 3–307 of the Criminal Law Article for
a crime involving a child under the age of 15 years;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.



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1 has been convicted of violating the fourth degree sexual offense (3) $\mathbf{2}$ statute under § 3–308 of the Criminal Law Article for a crime involving a child under 3 the age of 15 years and has been ordered by the court to register under this subtitle; 4 (4) has been convicted in another state or in a federal, military, or $\mathbf{5}$ Native American tribal court of a crime that, if committed in this State, would 6 constitute one of the crimes listed in items (1) and (2) of this subsection; or 7 (5)has been adjudicated delinguent for an act involving a (i) 8 victim under the age of 15 years that would constitute a violation of § 3–303, § 3–304, 9 § 3–305, or § 3–306 of the Criminal Law Article if committed by an adult; and 10 (ii) meets the requirements for registration under § 11-704(c) of this subtitle. 11 1211 - 707.13A child sexual offender shall register in person every 6 (a) (1)(i) months with a local law enforcement unit for the term provided under paragraph (4) of 14 15this subsection. 16 Registration shall include a photograph that shall be (ii) 17updated every 6 months. An offender and a sexually violent offender shall register in 18 (2)(i) 19person every 6 months with a local law enforcement unit for the term provided under 20paragraph (4) of this subsection. 21Registration shall include a photograph that shall be (ii) 22updated every 6 months. 23(3)A sexually violent predator shall register in person every 3 (i) months for the term provided under paragraph (4)(ii) of this subsection. 2425Registration shall include a photograph that shall be (ii) 26updated every 6 months. 27(4) The term of registration is: 28(i) except as provided in items (ii) and (iii) of this paragraph, 10 29years; 30 (ii) except as provided in item (iii) of this paragraph, the life of 31the registrant, if: 321. the registrant is a sexually violent predator;

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2.1 the registrant has been convicted of a sexually violent $\mathbf{2}$ offense: 3 3. the registrant has been convicted of a violation of § 3-315 OR § 3-602 of the Criminal Law Article for commission of a sexual act 4 involving penetration of a child under the age of 12 years; or $\mathbf{5}$ 6 4. the registrant has been convicted of a prior crime as a 7child sexual offender, an offender, or a sexually violent offender; or 8 (iii) up to 5 years, if the registrant is a person described under § 9 11-701(c)(5)(i) of this subtitle or a person described under § 11-701(j)(3)(i) of this subtitle, subject to reduction by the juvenile court on the filing of a petition by the 10 11 registrant for a reduction in the term of registration. 12A registrant who is not a resident of the State shall register for the (5)13appropriate time specified in this subsection or until the registrant's employment, 14student enrollment, or transient status in the State ends. SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be 1516construed to apply retroactively and shall be applied to require the registration of any 17person who was convicted of a violation of § 3–315 of the Criminal Law Article on or 18after October 1, 2002.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect20 October 1, 2010.