

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 1442
Judiciary

(Delegate Smigiel)

Criminal Procedure - Sexual Offender Registry - Posting of Information on
Internet

This emergency bill requires, rather than allows, the Department of Public Safety and Correctional Services (DPSCS) to post on the Internet a current listing of each sexual offender registrant's name, crime, and other identifying information. The bill specifies that this includes certain information now contained in an offender's registration statement.

Fiscal Summary

State Effect: None. The bill's requirements can be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: DPSCS must make available to the public sex offender registration statements or information about registration statements. Information about registration statements is required to include, in plain language that can be understood without special knowledge of the criminal laws of the State, a description of the crime of the offender that is the basis for the registration, excluding details that would identify the victim. DPSCS may post on the Internet a current listing of each registrant's name, crime, and other identifying information.

Generally, a person convicted of a sex crime or other specified crime in Maryland, including kidnapping and false imprisonment, is required to register with the State sex offender registry upon release from prison or release from court if the person did not receive a prison sentence. Offenders who are required to register in other states and who come to Maryland are required to register upon entering Maryland. Offenders from other states who may not be required to register in the home state are required to register in Maryland if the crime would have required registration in Maryland if committed in Maryland. Juveniles who are adjudicated delinquent for these offenses through the juvenile court system are not included in the registry.

Sexual offenders are required to register, every three months or every six months, with the Crimes Against Children and Sexual Offender Registry for a term of either 10 years or life depending on the offense. Registration must include a photograph, which must be updated at least annually. The registry is operated by the Sexual Offender Registry unit of the Department of Public Safety and Correctional Services. Under the State's sexual offender registration laws, a State's Attorney may request that a sexual offender be designated a sexually violent predator. Lifetime registration is required for (1) sexually violent predators; (2) persons convicted of a sexually violent offense; (3) persons convicted of child abuse for commission of a sexual act involving penetration of a child under 12 years old; and (4) recidivist sexual offenders.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services,
Department of Legislative Services

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mam/hlb

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