

HOUSE BILL 484

E2

11r1522

By: **Delegate Stifler**

Introduced and read first time: February 7, 2011

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Sex Offender Registry – Juveniles**

3 FOR the purpose of altering the term of registration on a certain sex offender registry
4 for certain juvenile sex offenders; providing for a reduction in the term of
5 registration for certain juvenile sex offenders under certain circumstances;
6 requiring certain juvenile sex offenders to appear at a certain location at certain
7 times to provide certain information and to allow the Department of Public
8 Safety and Correctional Services to take a digital image of the juvenile sex
9 offender; requiring the Department of Public Safety and Correctional Services
10 in conjunction with the Department of Juvenile Services to adopt certain
11 regulations; and generally relating to a juvenile sex offender registry.

12 BY repealing and reenacting, with amendments,
13 Article – Criminal Procedure
14 Section 11–704.1
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2010 Supplement)

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

19 **Article – Criminal Procedure**

20 11–704.1.

21 (a) A person shall be included in a listing of juvenile sex offenders that is
22 maintained by the Department separately from the sex offender registry if:

23 (1) the person has been adjudicated delinquent for an act that, if
24 committed by an adult, would constitute a violation of § 3–303, § 3–304, § 3–305, or §
25 3–306 of the Criminal Law Article, or § 3–307(a)(1) or (2) or § 3–308(b)(1) of the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Criminal Law Article involving conduct described in § 3-301(f)(2) of the Criminal Law
2 Article; and

3 (2) the person was a minor who was at least 13 years old at the time
4 the delinquent act was committed.

5 (b) The listing of juvenile sex offenders shall be accessible only by law
6 enforcement personnel for law enforcement purposes.

7 (c) (1) [When the juvenile court's jurisdiction over a person who is
8 included in the listing of juvenile sex offenders terminates under § 3-8A-07 of the
9 Courts Article, the person shall be removed from the listing] **SUBJECT TO**
10 **SUBSECTION (D) OF THIS SECTION, THE TERM OF REGISTRATION FOR A**
11 **JUVENILE WHO HAS BEEN ADJUDICATED DELINQUENT FOR AN ACT THAT, IF**
12 **COMMITTED BY AN ADULT, WOULD CONSTITUTE A VIOLATION OF § 3-303, §**
13 **3-304, § 3-305, OR § 3-306 OF THE CRIMINAL LAW ARTICLE, OR § 3-307(A)(1)**
14 **OR (2) OF THE CRIMINAL LAW ARTICLE IS THE LIFE OF THE REGISTRANT.**

15 (2) **THE TERM OF REGISTRATION FOR A JUVENILE WHO HAS BEEN**
16 **ADJUDICATED DELINQUENT FOR AN ACT THAT, IF COMMITTED BY AN ADULT,**
17 **WOULD CONSTITUTE A VIOLATION OF § 3-308(B)(1) OF THE CRIMINAL LAW**
18 **ARTICLE INVOLVING CONDUCT DESCRIBED IN § 3-301(F)(2) OF THE CRIMINAL**
19 **LAW ARTICLE TERMINATES WHEN THE JUVENILE COURT'S JURISDICTION OVER**
20 **THE JUVENILE TERMINATES UNDER § 3-8A-07 OF THE COURTS ARTICLE.**

21 (D) **THE TERM OF REGISTRATION FOR A JUVENILE WHO HAS BEEN**
22 **ADJUDICATED DELINQUENT FOR AN ACT THAT, IF COMMITTED BY AN ADULT,**
23 **WOULD CONSTITUTE A VIOLATION OF § 3-303, § 3-304, § 3-305, OR § 3-306 OF**
24 **THE CRIMINAL LAW ARTICLE, OR § 3-307(A)(1) OR (2) OF THE CRIMINAL LAW**
25 **ARTICLE MAY BE REDUCED TO 25 YEARS IF, IN THE 25 YEARS FOLLOWING THE**
26 **DATE ON WHICH THE REGISTRANT WAS REQUIRED TO REGISTER, THE**
27 **REGISTRANT:**

28 (1) **IS NOT ADJUDICATED DELINQUENT FOR OR CONVICTED OF**
29 **ANY OFFENSE FOR WHICH A TERM OF IMPRISONMENT OF MORE THAN 1 YEAR**
30 **MAY BE IMPOSED;**

31 (2) **IS NOT ADJUDICATED DELINQUENT FOR OR CONVICTED OF**
32 **ANY SEX OFFENSE;**

33 (3) **SUCCESSFULLY COMPLETES, WITHOUT REVOCATION, ANY**
34 **PERIOD OF SUPERVISED RELEASE OR PROBATION; AND**

35 (4) **SUCCESSFULLY COMPLETES AN APPROPRIATE SEX OFFENDER**
36 **TREATMENT PROGRAM.**

1 **(E) (1) A JUVENILE WHO HAS BEEN ADJUDICATED DELINQUENT FOR**
2 **AN ACT THAT, IF COMMITTED BY AN ADULT, WOULD CONSTITUTE A VIOLATION**
3 **OF § 3-308(B)(1) OF THE CRIMINAL LAW ARTICLE INVOLVING CONDUCT**
4 **DESCRIBED IN § 3-301(F)(2) OF THE CRIMINAL LAW ARTICLE SHALL APPEAR IN**
5 **PERSON AT A LOCATION DESIGNATED BY THE DEPARTMENT ANNUALLY TO:**

6 **(I) UPDATE AND VERIFY WITH THE DEPARTMENT THE**
7 **INFORMATION INCLUDED IN THE REGISTRY UNDER THIS SECTION; AND**

8 **(II) ALLOW THE DEPARTMENT TO TAKE A DIGITAL IMAGE**
9 **OF THE JUVENILE.**

10 **(2) A JUVENILE WHO HAS BEEN ADJUDICATED DELINQUENT FOR**
11 **AN ACT THAT, IF COMMITTED BY AN ADULT, WOULD CONSTITUTE A VIOLATION**
12 **OF § 3-303, § 3-304, § 3-305, OR § 3-306 OF THE CRIMINAL LAW ARTICLE, OR §**
13 **3-307(A)(1) OR (2) OF THE CRIMINAL LAW ARTICLE SHALL APPEAR IN PERSON**
14 **AT A LOCATION DESIGNATED BY THE DEPARTMENT EVERY 3 MONTHS TO:**

15 **(I) UPDATE AND VERIFY WITH THE DEPARTMENT THE**
16 **INFORMATION INCLUDED IN THE REGISTRY UNDER THIS SECTION; AND**

17 **(II) ALLOW THE DEPARTMENT TO TAKE A DIGITAL IMAGE**
18 **OF THE JUVENILE.**

19 **(F) THE DEPARTMENT, IN CONJUNCTION WITH THE DEPARTMENT OF**
20 **JUVENILE SERVICES, SHALL ADOPT REGULATIONS NECESSARY TO CARRY OUT**
21 **THE DUTIES OF THE DEPARTMENT RELATING TO THE REGISTRATION OF**
22 **JUVENILE SEX OFFENDERS UNDER THIS SECTION.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 June 1, 2011.