

Chapter 374

(House Bill 1020)

AN ACT concerning

Criminal Procedure – Sex Offender Registry

FOR the purpose of altering a certain retroactive applicability of certain provisions of law so as to include a person who is convicted ~~of any felony rather than any crime on or after a certain date~~ under certain circumstances; renaming a certain listing to be a certain registry; altering the predicate offenses and minimum age for inclusion on a certain registry of juvenile sex offenders; ~~requiring the Department of Juvenile Services to maintain a certain registry; altering the term of registration on a certain registry of juvenile sex offenders; providing for a reduction in the term of registration for certain juvenile registrants under certain circumstances;~~ requiring certain juvenile registrants to appear at a certain location at certain times to provide certain information and to allow the Department of ~~Public Safety and Correctional~~ Juvenile Services to take a digital image of the juvenile registrant; ~~requiring the Department of Public Safety and Correctional Services in conjunction with the Department of Juvenile Services to adopt certain regulations;~~ defining a certain term; making a clarifying change; making conforming changes; and generally relating to sex offender registration.

BY repealing and reenacting, with amendments,
 Article – Criminal Procedure
 Section 11–701(p)(1), 11–702.1, and 11–704.1
 Annotated Code of Maryland
 (2008 Replacement Volume and 2010 Supplement)

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

Article – Criminal Procedure

11–701.

(p) “Tier II sex offender” means a person who has been convicted of:

(1) conspiring to commit, attempting to commit, or committing a violation of § 3–307(a)(4) or (5) [of the Criminal Law Article, or], § 3–324, § 11–207, or § 11–209 of the Criminal Law Article[, if the victim is a minor];

11–702.1.

(a) Notwithstanding any other provision of law to the contrary, this subtitle shall be applied retroactively to include a person who:

(1) is under the custody or supervision of a supervising authority on October 1, 2010;

(2) was subject to registration under this subtitle on September 30, 2010; ~~or~~

(3) is convicted of any [crime] **FELONY** on or after October 1, 2010, and has a prior conviction for an offense for which registration as a sex offender is required under this subtitle; OR

(4) WAS CONVICTED ON OR AFTER OCTOBER 1, 2010, OF A VIOLATION OF § 3-324 OF THE CRIMINAL LAW ARTICLE, REGARDLESS OF WHETHER THE VICTIM WAS A MINOR.

(b) The term of registration for a sex offender registered under subsection (a) of this section shall be calculated from the date of release.

11-704.1.

(A) IN THIS SECTION, “JUVENILE REGISTRANT” MEANS A PERSON WHO IS REQUIRED TO BE INCLUDED IN THE REGISTRY OF JUVENILE SEX OFFENDERS UNDER SUBSECTION (B) OF THIS SECTION.

~~[(a)] (B)~~ A person shall be included in a ~~listing~~ **REGISTRY** of juvenile sex offenders that is maintained by the Department ~~OF JUVENILE SERVICES~~ separately from the sex offender registry if:

(1) the person has been adjudicated delinquent for an act that, if committed by an adult, would constitute a violation of § 3-303, § 3-304, § 3-305, [or § 3-306 of the Criminal Law Article, or § 3-307(a)(1) or (2) or § 3-308(b)(1) of the Criminal Law Article involving conduct described in § 3-301(f)(2)] ~~§ 3-306(A)(1), OR § 3-307(A)(1)(H)1, 2, OR 3 § 3-306(A)(1) OR (2), OR § 3-307(A)(1) OR (2)~~ of the Criminal Law Article; and

(2) the person was a minor who was at least [13] 14 years old at the time the delinquent act was committed.

~~[(b)] (C)~~ The [listing] **REGISTRY** of juvenile sex offenders shall be accessible only by law enforcement personnel for law enforcement purposes.

~~[(c)] (D)~~ ~~When the juvenile court’s jurisdiction over a person who is included in the listing of juvenile sex offenders~~ **JUVENILE REGISTRANT** terminates

under § 3-8A-07 of the Courts Article, the ~~person~~ JUVENILE REGISTRANT shall be removed from the ~~listing~~ SUBJECT TO REGISTRY. SUBSECTION (E) OF THIS SECTION, THE TERM OF REGISTRATION FOR A JUVENILE REGISTRANT IS THE LIFE OF THE JUVENILE REGISTRANT.

~~(E) THE TERM OF REGISTRATION FOR A JUVENILE REGISTRANT SHALL BE REDUCED TO 25 YEARS IF, IN THE 25 YEARS FOLLOWING THE DATE ON WHICH THE REGISTRANT WAS REQUIRED TO REGISTER, THE REGISTRANT:~~

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

~~(2) IS NOT ADJUDICATED DELINQUENT FOR OR CONVICTED OF ANY SEX OFFENSE;~~

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

~~(4) SUCCESSFULLY COMPLETES AN APPROPRIATE SEX OFFENDER TREATMENT PROGRAM.~~

~~(F)~~ (E) A JUVENILE REGISTRANT SHALL APPEAR IN PERSON AT A LOCATION DESIGNATED BY THE DEPARTMENT OF JUVENILE SERVICES EVERY 3 MONTHS TO:

(1) UPDATE AND VERIFY WITH THE DEPARTMENT OF JUVENILE SERVICES THE INFORMATION INCLUDED IN THE REGISTRY OF JUVENILE SEX OFFENDERS UNDER THIS SECTION; AND

(2) ALLOW THE DEPARTMENT OF JUVENILE SERVICES TO TAKE A DIGITAL IMAGE OF THE JUVENILE REGISTRANT.

~~(G)~~ (F) ~~THE DEPARTMENT, IN CONJUNCTION WITH THE DEPARTMENT OF JUVENILE SERVICES, SHALL ADOPT REGULATIONS NECESSARY TO CARRY OUT THE DUTIES OF THE DEPARTMENT OF JUVENILE SERVICES RELATING TO THE REGISTRY OF JUVENILE SEX OFFENDERS UNDER THIS SECTION.~~

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

Approved by the Governor, May 10, 2011.