

Department of Legislative Services
 Maryland General Assembly
 2011 Session

FISCAL AND POLICY NOTE

House Bill 804
 Judiciary

(Delegate Haddaway-Riccio)

Vehicle Laws - Registered Sex Offenders - Drivers' Licenses and Identification Cards

This bill requires the Department of Public Safety and Correctional Services (DPSCS) to send a copy of a Tier II or Tier III sex offender’s registration statement to the Motor Vehicle Administration (MVA) within five days after receiving the statement for the purpose of noting the sex offender registration on the registrant’s driver’s license or identification card. Upon notice from DPSCS, MVA must issue or reissue a driver’s license or identification card to a registrant with a notation, in a code known to law enforcement, that the individual is a registered sex offender. The notation may only be removed upon a written notice from DPSCS that the notation is no longer required.

Fiscal Summary

State Effect: Special fund revenues increase by \$163,000 in FY 2012 and by \$14,500 annually beginning in FY 2013. Reprogramming costs are minimal and can likely be handled with existing budgeted resources. Likewise, the increased transactions can likely be handled with existing resources.

(in dollars)	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
SF Revenue	\$163,000	\$14,500	\$14,500	\$14,500	\$14,500
SF Expenditure	-	-	-	-	-
Net Effect	\$163,000	\$14,500	\$14,500	\$14,500	\$14,500

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The federal Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act of 1994 required all states to register sex offenders, sexually violent predators, and offenders who commit certain crimes against children. These laws have become popularly known as either “Megan’s Law” or “Jessica’s Law” in memory of children who have been sexually assaulted and murdered by convicted sex offenders.

The federal Sex Offender Registration and Notification Act (SORNA), enacted as Title I of the Adam Walsh Child Protection and Safety Act of 2006 (P.L. 109-248), conditioned receipt of federal grant assistance on conformity by the states with various aspects of sex offender registration provisions, including registration of specified juvenile offenders, collection of specific information from registrants, verification, duration of registration, access to and sharing of information, and penalties for failure to register.

In 2010, Maryland’s sex offender registration laws were substantially revised in an effort to comply with SORNA and increase penalties for certain sex offenses committed against minors. Among the enacted provisions, sexual offenders are now sorted into three separate tiers, replacing the four former categories of sexual offenders. A Tier I sex offender must register every six months for 15 years, a Tier II sex offender must register every six months for 25 years, and a Tier III sex offender must register every three months for life. In addition, a listing of juvenile sex offenders was required to be maintained by DPSCS, which is accessible only by law enforcement personnel for law enforcement purposes.

In addition to any aliases, a sex offender’s registration statement must include the registrant’s former names, nicknames, electronic mail addresses, computer log-in or screen names or identities, instant-messaging identities, and electronic chat room identities used by the registrant. In addition, a registration statement must contain a copy of the registrant’s valid driver’s license or identification card and the license plate number and description of any vehicle owned or regularly operated by the registrant.

Background: There are currently about 6,600 Tier II and Tier III sex offender registrants in Maryland, including those who are still incarcerated.

Any law enforcement agency in the State with a mobile data computer terminal in their vehicles has direct electronic access to the sex offender registry. In addition, the State uses the Regional Automated Property Information Database (RAPID) system to transmit acquisition information from secondhand dealers to local law enforcement through an Internet interface. RAPID enables law enforcement agencies statewide to immediately gain access to timely information about property that has been sold to pawnbrokers,

precious metal dealers, or vehicle salvage yards. It also interfaces with the sex offender registry.

State Fiscal Effect: The bill's provisions relating to sex offender notations being included on Maryland drivers' licenses and identification cards can be handled with the existing budgeted resources of MVA. MVA will charge a \$30 fee for each of the estimated 5,100 corrected existing drivers' licenses and a \$20 fee for each of the estimated 500 corrected identification cards. Accordingly, MVA special fund revenues are expected to increase by about \$163,000 in fiscal 2012. Assuming 500 new registrants require special notation licenses and ID cards each year thereafter, special fund revenues would increase by approximately \$14,500 annually beginning in fiscal 2013. These charges are estimated to provide full cost recovery for this requirement.

It is noted that some sex offenders still incarcerated will be entitled to an ID card at no cost as a part of the Released Inmates Identification (RIID) program. This program is a partnership between MVA and DPSCS to provide ID cards at no charge to inmates after release from incarceration. The number of sex offender inmates released each year who would be entitled to the free ID card will likely vary from year to year and is not a part of this estimate.

Additional Information

Prior Introductions: None.

Cross File: SB 18 (Senator Colburn) - Judicial Proceedings.

Information Source(s): Department of Public Safety and Correctional Services, Maryland Department of Transportation (Motor Vehicle Administration), Department of Legislative Services

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Analysis by: Guy G. Cherry

Direct Inquiries to:
(410) 946-5510
(301) 970-5510