

Chapter 259

(Senate Bill 565)

AN ACT concerning

Criminal Procedure – Sex Offender Registration Requirements – Kidnapping

FOR the purpose of altering the offenses for which a person can be required to register on a certain registry; providing for the application of this Act; and generally relating to sex offender registration requirements and the crime of kidnapping.

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 11-701(q)

Annotated Code of Maryland

(2008 Replacement Volume and 2011 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.

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

(1) conspiring to commit, attempting to commit, or committing a violation of:

(i) § 2-201(a)(4)(viii), (x), or (xi) of the Criminal Law Article;

(ii) § 3-303, § 3-304, § 3-305, § 3-306, § 3-307(a)(1) or (2), § 3-309, § 3-310, § 3-311, § 3-312, § 3-315, § 3-323, [§ 3-502,] or § 3-602 of the Criminal Law Article; [or]

(III) § 3-502 OF THE CRIMINAL LAW ARTICLE, IF THE VICTIM IS A MINOR;

(IV) § 3-502 OF THE CRIMINAL LAW ARTICLE, IF THE VICTIM IS AN ADULT, AND THE PERSON HAS BEEN ORDERED BY THE COURT TO REGISTER UNDER THIS SUBTITLE; OR

[(iii)] (v) the common law offense of sodomy or § 3-322 of the Criminal Law Article if the offense was committed with force or threat of force;

(2) conspiring to commit, attempting to commit, or committing a violation of § 3-307(a)(3), § 3-314, § 3-503, or § 3-603 of the Criminal Law Article, if the victim is under the age of 14 years;

(3) conspiring to commit, attempting to commit, or committing the common law offense of false imprisonment, if the victim is a minor;

(4) conspiring to commit, attempting to commit, or committing an offense that would require the person to register as a tier I or tier II sex offender after the person was already registered as a tier II sex offender;

(5) a crime committed in a federal, military, tribal, or other jurisdiction that, if committed in this State, would constitute one of the crimes listed in items (1) through (3) of this subsection; or

(6) a crime in a court of Canada, Great Britain, Australia, New Zealand, or any other foreign country where the United States Department of State has determined in its Country Reports on Human Rights Practices that an independent judiciary generally or vigorously enforced the right to a fair trial during the year in which the conviction occurred that, if the crime were committed in this State, would constitute one of the crimes listed in items (1) through (3) of this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect all persons convicted of kidnapping under § 3-502 of the Criminal Law Article who have been required to register on the State Sex Offender Registry since the enactment of Chapters 174 and 175 of 2010.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2012.

Approved by the Governor, May 2, 2012.