

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 942
Judiciary

(Delegate Vallario, *et al.*)

Judicial Proceedings

Criminal Procedure - Sex Offender Registration Requirements - Kidnapping

This bill alters the definition of a “Tier III sex offender,” for which registration with the State’s sex offender registry is required for kidnapping, by providing that registration is required if the victim is a minor; or if the victim is an adult, the person has been ordered by the court to register. The bill’s provisions are applied retroactively to affect all persons convicted of kidnapping who have been required to register on the State sex offender registry since the enactment of Chapters 174 and 175 of 2010.

The bill takes effect June 1, 2012.

Fiscal Summary

State Effect: None. The bill’s provisions will not affect State operations or finances; however, it may lead to a slight reduction in the number of individuals listed in the State sex offender registry.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: 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.

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. 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), required additional enactments by the states.

In 2010, Maryland's sex offender registration laws were substantially revised to comply with SORNA and to 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.

A Tier III sex offender means a person who:

- has been convicted of conspiring to commit, attempting to commit, or committing first degree murder while committing rape, or sexual offense in the first or second degree;
- has been convicted of the common law offense of sodomy or a violation of the State's prohibition against an unnatural or perverted sexual practice if the offense was committed with force or threat of force;
- has been convicted of conspiring to commit, attempting to commit, or committing first or second degree rape, first or second degree sexual offense, a certain third degree sexual offense, continuing course of conduct with a child, incest, kidnapping, or sexual abuse of a minor;
- has been convicted of conspiring to commit, attempting to commit, or committing a certain third degree sexual offense, sexual conduct between a correctional or juvenile justice employee and an inmate or confined child, child kidnapping, or sale of a minor if the victim is under 14;
- has been convicted of conspiring to commit, attempting to commit, or committing the common law offense of false imprisonment, if the victim is a minor;
- has been convicted of 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;
- has been convicted of a crime committed in a federal, military, tribal, or other jurisdiction that would constitute any of the above cited offenses; or
- has been convicted of a crime committed in another jurisdiction, including a foreign jurisdiction, as described above.

Additional Information

Prior Introductions: None.

Cross File: SB 565 (Senator Raskin, *et al.*) - Judicial Proceedings.

Information Source(s): Kent, Montgomery, and Worcester counties; Judiciary (Administrative Office of the Courts); Department of State Police; Department of Public Safety and Correctional Services; Department of Legislative Services

Fiscal Note History: First Reader - March 5, 2012
mc/hlb

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