

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 544
Judiciary

(Delegate Serafini, *et al.*)

Criminal Procedure - Supervising Authority - Sex Offender Transfer Notifications

This bill requires a sex offender supervising authority operating a facility that has custody of, or that provides residential or nonresidential reentry services to, an individual registrant in the State's sex offender registry to provide notice of a transfer of the registrant to a facility in another county to the local law enforcement unit in the county of the new facility and the Division of Parole and Probation not later than three working days from the date of the transfer.

Fiscal Summary

State Effect: Any additional notification responsibilities for the Department of Public Safety and Correctional Services (DPSCS) can be handled with existing budgeted resources.

Local Effect: It is assumed that any new notification requirements can be handled with the existing budgeted resources of local law enforcement units.

Small Business Effect: None.

Analysis

Current Law: 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 registry is maintained by DPSCS.

Within three days after obtaining a sex offender registration statement, the supervising authority must send a copy of the registration statement with the attached fingerprints, palm prints, and updated digital image of the registrant to the local law enforcement unit in each county where the registrant will reside or habitually live or where a registrant who is not a resident is a transient or will work or attend school.

A local law enforcement unit that receives a notice from a supervising authority must send a copy of the notice to the police department, if any, of a municipal corporation if the registrant (1) is to reside or habitually live in the municipal corporation after release; (2) escapes from a facility but resided or habitually lived in the municipal corporation before being committed to the custody of a supervising authority; or (3) is to change addresses to another place of residence within the municipal corporation.

Additional residency notification requirements include:

- As soon as possible, but not later than three working days after receipt of a registrant's change of residence or change in the county in which the registrant habitually lives, the local law enforcement unit must notify DPSCS of the change.
- As soon as possible, but not later than three working days after receipt of such a notice, the local law enforcement unit must give notice to DPSCS of the registrant's intent to change residence, a county in which the registrant habitually lives, vehicle or license plate information, electronic mail or Internet identifiers, or landline or cellular phone numbers.

Additional Comments: Although this bill references the Division of Parole and Probation, the Department of Legislative Services notes that DPSCS implemented a major reorganization during fiscal 2012. As a result of the reorganization, the Division of Correction, the Division of Parole and Probation, the Patuxent Institution, and the Division of Pretrial Detention and Services no longer exist within the department by those names as separate budgetary units.

Additional Information

Prior Introductions: None.

Cross File: SB 491 (Senator Shank) - Judicial Proceedings.

Information Source(s): Kent, Montgomery, and Washington counties; Baltimore City; Department of Juvenile Services; Department of Public Safety and Correctional Services; Department of Legislative Services

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