HOUSE BILL 1388

7lr3049

By: **Delegates Flanagan, Atterbeary, Kittleman, McComas, and B. Wilson** Introduced and read first time: February 10, 2017 Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

Sexual Crimes – Video Games – Prohibited Conduct and Warnings to Game Developers

- FOR the purpose of prohibiting a person who has been convicted of a certain sexual crime
 involving a child from using a certain type of game; establishing penalties for a
 violation of this Act; requiring the Department of Public Safety and Correctional
 Services to post a certain warning on its Web site; defining certain terms; and
 generally relating to sexual crimes.
- 9 BY adding to
- 10 Article Criminal Law
- 11 Section 3–326
- 12 Annotated Code of Maryland
- 13 (2012 Replacement Volume and 2016 Supplement)
- 14 BY repealing and reenacting, with amendments,
- 15 Article Criminal Procedure
- 16 Section 11–713
- 17 Annotated Code of Maryland
- 18 (2008 Replacement Volume and 2016 Supplement)
- 19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, 20 That the Laws of Maryland read as follows:
- 20 That the Laws of Maryland read as follows:
- 21

Article – Criminal Law

22 **3–326.**

23(A)(1)IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS24INDICATED.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.



1	(2) "MULTIPLAYER AUGMENTED REALITY GAME" MEANS AN
2	ELECTRONIC GAME PLAYED USING IMAGES ON A VIDEO SCREEN THAT ENABLES:
3	(I) A REAL-TIME DIRECT OR INDIRECT VIEW OF A PHYSICAL
4	REAL-WORLD ENVIRONMENT THAT HAS BEEN ENHANCED BY ADDING VIRTUAL
5	COMPUTER-GENERATED INFORMATION; AND
6	(II) AN INDIVIDUAL WHO PLAYS THE GAME TO ELECTRONICALLY
7	AFFECT THE GAME EXPERIENCE OF ANOTHER INDIVIDUAL.
8	(3) "SEXUAL CRIME INVOLVING A CHILD" MEANS A VIOLATION OF:
9	(I) THIS SUBTITLE INVOLVING A VICTIM WHO IS A MINOR;
10	(II) § 3–602 OF THIS TITLE;
11	(III) § 3–902 OF THIS TITLE INVOLVING A VICTIM WHO IS A
12	MINOR; OR
13	(IV) TITLE 11 OF THIS ARTICLE INVOLVING A VICTIM WHO IS A
14	MINOR.
15	(B) A PERSON WHO HAS BEEN CONVICTED OF A SEXUAL CRIME INVOLVING
16	A CHILD MAY NOT USE A MULTIPLAYER AUGMENTED REALITY GAME.
. –	
17	(C) A PERSON WHO VIOLATES THIS SECTION:
18	(1) FOR A FIRST OFFENSE, IS GUILTY OF A MISDEMEANOR AND ON
19	CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE
20	NOT EXCEEDING \$5,000 OR BOTH; AND
21	(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IS GUILTY OF A FELONY
22	AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A
23	FINE NOT EXCEEDING \$10,000 OR BOTH.
24	Article – Criminal Procedure
25	11–713.
26	The Department:

HOUSE BILL 1388

 $\mathbf{2}$

HOUSE BILL 1388

1 (1) as soon as possible but not later than 3 working days after receiving the 2 conviction data and fingerprints of a registrant, shall transmit the data and fingerprints to 3 the Federal Bureau of Investigation if the Bureau does not have that information;

4 (2) shall keep a central registry of registrants and a listing of juvenile sex 5 offenders;

6 (3) shall weekly transmit the central registry of registrants to the State 7 Department of Education in a format that can be used by the State Superintendent to 8 cross-reference with the database of licensed child care centers, registered family child care 9 homes, and approved Child Care Subsidy Program informal providers;

10 (4) shall reimburse local law enforcement units for the cost of processing 11 the registration statements of registrants, including the cost of taking fingerprints, palm 12 prints, and digital images;

(5) shall reimburse local law enforcement units for the reasonable costs of
 implementing community notification procedures;

15 (6) shall be responsible for receiving and distributing all intrastate, 16 federal, and foreign government communications relating to the registration of sex 17 offenders; [and]

(7) shall notify all jurisdictions where the registrant will reside, carry on
 employment, or attend school within 3 days of changes in the registrant's registration; AND

20 (8) SHALL POST A WARNING ON ITS WEB SITE URGING COMPUTER 21 PROGRAM DEVELOPERS TO AVOID DESIGNING COMPUTER PROGRAMS THAT MAY 22 PLACE CHILDREN AT RISK OF BEING IN PROXIMITY TO REGISTRANTS.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 24 October 1, 2017.