

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 521
Judiciary

(Delegate B. Wilson, *et al.*)

Judicial Proceedings

Criminal Procedure - Sex Offender Registrant - Notice of International Travel

This bill increases, from 3 to 21 days, the minimum period within which a registered sex offender must notify each local law enforcement unit where the registrant resides or habitually lives before leaving the United States to commence residence or employment or attend school in a foreign country.

Fiscal Summary

State Effect: The bill's requirements can be handled with existing budgeted resources. Failure to enact the bill may result in the loss of federal fund revenues (in the form of grants from the Edward J. Byrne Memorial Justice Assistance Grant for State and local law enforcement assistance) of about \$368,000 annually, possibly beginning in FY 2018.

Local Effect: The bill's requirements are procedural and can be handled with existing local resources. To the extent that local jurisdictions benefit from the Byrne Memorial Justice Assistance Grant, losses of varying amounts of federal funds may be averted.

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 under specified circumstances, 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 the Department of Public Safety and Correctional Services (DPSCS).

The federal Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act of 1994 incentivized all states to register sex offenders, sexually violent predators, and offenders who commit certain crimes against children. The federal government conditioned continued receipt of federal public safety monies upon compliance. 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), also made federal funds contingent upon 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. If a Tier 1 sex offender meets specified requirements, the registration term may be reduced to 10 years.

A listing of juvenile sex offenders must also be maintained by DPSCS, which is accessible only by law enforcement personnel for law enforcement purposes.

For all sex offender registrants in the State, a registration statement must include numerous items of identifying information related to the registrant, as well as information about the intended residence, vehicles owned or used, fingerprints, and other elements, as specified. In addition, a registrant is required to notify each local law enforcement unit where the registrant resides or habitually lives at least three days before leaving the United States to commence residence or employment or attend school in a foreign country.

If the registrant is determined to be a sexually violent predator, the registration statement must also include the anticipated future residence, if known at the time of registration, and documentation of treatment received for a mental abnormality or personality disorder.

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 the following:

- 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.

A registrant may not knowingly fail to register, knowingly provide false information of a material fact required for the registry, knowingly fail to provide any information required to be included in a registration statement, or knowingly fail to provide written notice regarding change of residence, vehicle, legal change of name, or change in employment or enrollment at a higher education institution. A first offense is a misdemeanor subject to maximum penalties of three years imprisonment and/or a \$5,000 fine. A second or subsequent offense is a felony subject to maximum penalties of five years imprisonment and/or a \$10,000 fine.

Background/State Fiscal Effect: Under SORNA, registrants are required to give 21 days notice to local law enforcement offices of the intent to travel overseas. DPSCS received notice in November 2016 from the Federal Sex Offender Management, Apprehension, Registration, and Tracking Office that the State must amend the law or be designated as noncompliant. The penalty for noncompliance is a 10% reduction in Byrne Grant funding (administered by the Governor's Office of Crime Control and Prevention). The Governor's proposed fiscal 2018 budget includes \$3,681,175 in federal fund revenues from Byrne Grant funding. Thus, failure to enact the bill could result in the loss of approximately \$368,000 annually if the State is determined to be noncompliant.

As of January 2017, there were approximately 7,000 registrants on the sex offender registry, as shown in **Exhibit 1**. Of the 7,000 registrants, approximately 2,300 are under community supervision.

Exhibit 1
Registrants on Sex Offender Registry

Lifetime	4,762
25 years	751
15 years	798
10 years	565

Source: Department of Public Safety and Correctional Services

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery and Talbot counties; City of College Park; Department of Public Safety and Correctional Services; *Prison Legal News* – September 2014; Department of Legislative Services

Fiscal Note History: First Reader - February 17, 2017
mm/kdm Third Reader - March 14, 2017

Analysis by: Shirleen M. E. Pilgrim

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