

**Department of Legislative Services**  
Maryland General Assembly  
2018 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 1523

(Delegate Jackson, *et al.*)

Judiciary

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**Criminal Procedure - Domestic Violence Offender Registry**

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This bill requires the Department of Public Safety and Correctional Services (DPSCS) to establish and maintain a Domestic Violence Offender Registry. Information contained in the registry must be made available to the public through the Internet, by telephone and written access, and in person.

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**Fiscal Summary**

**State Effect:** General fund expenditures increase by \$249,100 in FY 2019 to create and maintain the registry and for additional programming costs. Future years reflect annualization and the elimination of one-time costs. No material impact on revenues.

(in dollars)	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	249,100	83,400	85,500	88,100	90,800
Net Effect	(\$249,100)	(\$83,400)	(\$85,500)	(\$88,100)	(\$90,800)

*Note: ( ) = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** Potential significant expenditures for some jurisdictions to comply with the bill's requirements, as discussed below. Local revenues are not affected. **This bill may impose a mandate on a unit of local government.**

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** A person convicted three or more times of a “domestically related crime” must register with the county sheriff for the county in which the person resides on or before

the date that the person is released, granted probation or a suspended sentence, or receives a sentence that does not include a term of imprisonment. For purposes of the bill's provisions, a person is convicted when the person is found guilty of a crime by a jury or a judicial officer or enters a plea of guilty or *nolo contendere*.

A registrant must provide the county sheriff with the following information: (1) the registrant's legal name and current address or location; (2) the crimes for which the registrant was convicted; and (3) the dates and locations of the crime. The county sheriff must obtain a digital image of the registrant. A registrant must update the information annually and to reflect any change in address within 10 days of the change. The county sheriff must forward all registration information to DPSCS.

The registry must be updated based on information available to DPSCS, including information acquired from the county sheriff. For each registrant, the registry must include the registrant's name and residential address, the date and a description of the crimes for which registration is required, and a digital image of the registrant, as specified.

Registration remains in effect for a period of 15 years following either the date of the latest conviction or date of release from the latest period of incarceration, whichever is later. The time period may be extended for offenses committed after registration, as specified. A person is no longer subject to registration if (1) all underlying convictions requiring registration are reversed, vacated, or set aside; (2) the registrant is pardoned for all underlying convictions; or (3) the circuit court enters an order exempting the person from the registration requirements.

The bill establishes procedures by which a circuit court, on petition by a person who would otherwise be required to register, may enter an order exempting the person from the registration requirements.

A person who is subject to registration may not knowingly fail to register or fail to provide accurate information. A violator is guilty of a misdemeanor and subject to a maximum fine of \$2,000.

**Current Law/Background:** There is no publicly accessible domestic violence offender registry established in State law.

Although there is no specific "crime of domestic violence" in Maryland, the court, on request of a State's Attorney, must make a finding of fact, based on evidence produced at trial, as to whether a crime for which the defendant is convicted or receives a probation before judgment disposition is a "domestically related crime." A "domestically related crime" is a crime committed by a defendant against a victim who is a "person eligible for relief," as defined in statutory provisions relating to eligibility for a domestic violence

protective order or a person who had a sexual relationship with the defendant within 12 months before the commission of the crime. The State must prove by a preponderance of the evidence that the crime is a domestically related crime. If the court finds that the crime is a domestically related crime, that finding must become part of the court record for purposes of reporting to the Criminal Justice Information System Central Repository.

A “person eligible for relief” is:

- a current or former spouse of the respondent;
- a cohabitant of the respondent;
- a person related to the respondent by blood, marriage, or adoption;
- a parent, stepparent, child, or stepchild of the respondent or the person eligible for relief who resides or resided with the respondent or person eligible for relief for at least 90 days within one year before the filing of the petition;
- a vulnerable adult;
- an individual who has a child in common with the respondent; or
- an individual who has had a sexual relationship with the respondent within one year before the filing of the petition.

According to the 2015 *Uniform Crime Report* (the latest information readily available), 30,534 domestic violence crimes were reported in Maryland. The crimes reported for the purposes of the report align with the definition of “domestically related crime.” Assault was by far the most frequently reported crime, with 25,996 incidents in calendar 2015. Of reported assaults, simple assaults comprised 21,054 incidents. There were 68 domestic violence homicides.

### **State Expenditures:**

#### *Administrative Costs for DPSCS*

General fund expenditures for DPSCS increase by \$235,155 in fiscal 2019, which accounts for the bill’s October 1, 2018 effective date. This estimate reflects the cost of establishing a domestic violence offender registry within DPSCS, which includes a one-time expenditure of \$168,000 in computer programming expenses and the cost of hiring one administrative officer to maintain the registry. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

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Salary and Fringe Benefits	\$51,296
Computer Programming Expenses	168,000
Operating Expenses	<u>15,859</u>
<b>Total FY 2019 DPSCS Expenditures</b>	<b>\$235,155</b>

Future year expenditures reflect a full salary with annual increases and employee turnover and ongoing operating expenses.

### *Judiciary*

General fund expenditures increase by \$13,940 in fiscal 2019 only for programming changes. In addition, the Judiciary reports that the bill may increase court caseloads to the extent that individuals petition to be exempted from registry provisions. Any such impact is not anticipated to materially impact the workload of the courts.

**State Revenues:** It is assumed that the bill's penalty provisions do not materially affect State revenues.

**Local Expenditures:** Local expenditures increase, potentially significantly in some jurisdictions, for sheriffs to comply with the bill's requirements. Although the registry is administered by DPSCS, individuals register through the county sheriff's office, which is then responsible for forwarding information to DPSCS; such information must be updated annually. Accordingly, most jurisdictions that responded to a request for information regarding the fiscal effect of the bill indicate the potential for a significant impact. For example, both Charles and Frederick counties estimate a significant fiscal impact and the need for additional staff to administer the registry. Prince George's County also advises the need for additional staff, and Anne Arundel County anticipates a significant fiscal impact.

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## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Baltimore City; Anne Arundel, Charles, Frederick, Montgomery, and Prince George's counties; Judiciary (Administrative Office of the Courts); Department of Juvenile Services; Department of Public Safety and Correctional Services; Department of Legislative Services

**Fiscal Note History:** First Reader - February 27, 2018  
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