

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 847
Judiciary

(Delegate McCaskill, *et al.*)

Criminal Procedure - Domestic Violence Offender Registry

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.

Fiscal Summary

State Effect: General fund expenditures for DPSCS increase by *at least* \$1.4 million in FY 2026 to create the domestic violence offender registry, as discussed below. General fund expenditures for the Judiciary increase by \$10,700 in FY 26 for one-time programming costs. No material impact on revenues.

Local Effect: Expenditures increase, potentially significantly, 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.

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 after the change. The county sheriff must forward all registration information to DPSCS.

The registry must be updated based on information made 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 the date of release from the latest period of incarceration, whichever is later. The time period must 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.

“Domestically related crime” means (1) a crime of domestic violence as defined in § 4-701 of the Family Law Article or (2) a crime committed by a defendant against a victim who had a sexual relationship with the defendant within the 12 months immediately preceding the commission of the crime.

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

Pursuant to the Family Law Article, “domestic violence” means abuse occurring between current or former spouses or cohabitants, persons who have a child in common, or persons currently or formerly involved in a dating relationship. “Abuse” means (1) an act that causes serious bodily harm; (2) an act that places a person eligible for relief in fear of imminent serious bodily harm; (3) assault in any degree; (4) rape or sexual offense, or

attempted rape or sexual offense in any degree; (5) false imprisonment; (6) stalking; or (7) revenge porn.

State Expenditures:

Department of Public Safety and Correctional Services

General fund expenditures for DPSCS increase by *at least* \$1,389,146 in fiscal 2026 for one-time programming costs associated with the creation of a domestic violence offender registry.

DPSCS also anticipates significant personnel costs to hire 15 staff (including 1 manager, 2 supervisors, and 12 domestic violence offender registry specialists) to supervise domestic violence offender registrants, with general fund expenditures increasing by \$1.1 million in fiscal 2026 and up to \$1.5 million by fiscal 2030. DPSCS based its estimate on existing responsibilities associated with the sex offender registry.

However, the Department of Legislative Services (DLS) notes that it is unclear whether the bill subjects individuals who are required to register under the bill's provisions to additional supervision solely based on their status as domestic violence registrants, or that any potential supervision would be comparable to that of sex offender registrants. Further, the estimate received from DPSCS specifically notes that there are significantly more domestic violence offenders than sex offenders. However, it is not clear if the estimate specifically accounted for how many domestic violence offenders are likely to meet the registration requirements of the bill (*i.e.*, an individual having *three* qualifying domestic violence convictions). Thus, additional costs associated with supervision are not assumed in this analysis.

Judiciary

General fund expenditures increase by \$10,742 in fiscal 2026 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.

Office of the Public Defender

The Office of the Public Defender (OPD) advises that the bill necessitates six additional attorneys and two administrative employees to handle an increased level of effort in domestic violence cases, generated in part by clients less likely to take a plea and subsequent motions arising out of registration requirements. OPD estimates costs for these positions at \$714,585 in fiscal 2026 and increasing to \$969,616 by fiscal 2030.

DLS disagrees that OPD's workload is significantly changed solely by the provisions of the bill. Thus, DLS advises that OPD can likely address workloads resulting from the bill with existing budgeted resources.

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

Local Expenditures: Local expenditures for sheriffs' offices may increase, potentially significantly in some jurisdictions, and particularly in the out-years as more individuals become subject to the bill's registration 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, many jurisdictions that responded to a request for information regarding the fiscal effect of the bill indicated the potential for a significant impact. For example, Charles, Frederick, and Prince George's counties all estimate the need for additional staff.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See SB 1172 of 2024.

Designated Cross File: SB 650 (Senator Muse, *et al.*) - Judicial Proceedings.

Information Source(s): Anne Arundel, Charles, Frederick, Harford, Montgomery, Prince George's, and Talbot counties; Maryland Association of Counties; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Public Safety and Correctional Services; Department of Legislative Services

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