

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



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MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 847
Criminal Procedure – Domestic Violence Offender Registry
DATE: February 5, 2025
(2/20)

INFORMATIONAL COMMENT PAPER

The Judiciary respects the separation of powers doctrine and acknowledges that the legislature is the policy-making branch. As such, the Judiciary has no position on the policy aims of this legislation and defers to the legislative branch on such matters.

Criminal Procedure § 11-1207 states that a person who would otherwise be required to register under § 11-1204 may petition the circuit court in the county in which the person resides for an order exempting the person from the registration requirements. The circuit court may enter an order exempting a person from the registration requirements if the court finds that: (1) the circumstances of each of the domestically related crimes, in conjunction with the person's criminal history, do not indicate a risk that the person will commit another domestically related crime; and (2) the person is not a danger to others. The circuit court shall specify in writing the reasons for its findings.

The Judiciary notes that it is unclear if these provisions are intended to apply retroactively or just prospectively. If the intent is to be retroactive, the bill would be unworkable. The Judiciary would request language to make it clear the bill is prospective only.

cc. Hon. Aletheia McCaskill
Judicial Council
Legislative Committee
Kelley O'Connor