

HOUSE BILL 1020

E4

11r2239

By: **Delegates Valderrama, Stifler, and Vallario**

Introduced and read first time: February 11, 2011

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2011

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Sex Offender Registry**

3 FOR the purpose of altering a certain retroactive applicability of certain provisions of
4 law so as to include a person who is convicted of any felony rather than any
5 crime on or after a certain date under certain circumstances; renaming a certain
6 listing to be a certain registry; altering the predicate offenses and minimum age
7 for inclusion on a certain registry of juvenile sex offenders; requiring the
8 Department of Juvenile Services to maintain a certain registry; ~~altering the~~
9 ~~term of registration on a certain registry of juvenile sex offenders; providing for~~
10 ~~a reduction in the term of registration for certain juvenile registrants under~~
11 ~~certain circumstances;~~ requiring certain juvenile registrants to appear at a
12 certain location at certain times to provide certain information and to allow the
13 Department of ~~Public Safety and Correctional~~ Juvenile Services to take a digital
14 image of the juvenile registrant; requiring the ~~Department of Public Safety and~~
15 ~~Correctional Services in conjunction with the~~ Department of Juvenile Services
16 to adopt certain regulations; defining a certain term; making a clarifying
17 change; making conforming changes; and generally relating to sex offender
18 registration.

19 BY repealing and reenacting, with amendments,
20 Article – Criminal Procedure
21 Section 11–701(p)(1), 11–702.1, and 11–704.1
22 Annotated Code of Maryland
23 (2008 Replacement Volume and 2010 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Criminal Procedure**

4 11–701.

5 (p) “Tier II sex offender” means a person who has been convicted of:

6 (1) conspiring to commit, attempting to commit, or committing a
7 violation of § 3–307(a)(4) or (5) [of the Criminal Law Article, or], § 3–324, § 11–207, or
8 § 11–209 of the Criminal Law Article[, if the victim is a minor];

9 11–702.1.

10 (a) Notwithstanding any other provision of law to the contrary, this subtitle
11 shall be applied retroactively to include a person who:

12 (1) is under the custody or supervision of a supervising authority on
13 October 1, 2010;

14 (2) was subject to registration under this subtitle on September 30,
15 2010; or

16 (3) is convicted of any [crime] **FELONY** on or after October 1, 2010,
17 and has a prior conviction for an offense for which registration as a sex offender is
18 required under this subtitle.

19 (b) The term of registration for a sex offender registered under subsection (a)
20 of this section shall be calculated from the date of release.

21 11–704.1.

22 **(A) IN THIS SECTION, “JUVENILE REGISTRANT” MEANS A PERSON WHO**
23 **IS REQUIRED TO BE INCLUDED IN THE REGISTRY OF JUVENILE SEX OFFENDERS**
24 **UNDER SUBSECTION (B) OF THIS SECTION.**

25 **[(a)] (B)** A person shall be included in a ~~listing~~ **REGISTRY** of juvenile sex
26 offenders that is maintained by the Department **OF JUVENILE SERVICES** separately
27 from the sex offender registry if:

28 (1) the person has been adjudicated delinquent for an act that, if
29 committed by an adult, would constitute a violation of § 3–303, § 3–304, § 3–305, [or §
30 3–306 of the Criminal Law Article, or § 3–307(a)(1) or (2) or § 3–308(b)(1) of the
31 Criminal Law Article involving conduct described in § 3–301(f)(2)] **§ 3–306(A)(1), OR**
32 **§ 3–307(A)(1)(II)1, 2, OR 3** of the Criminal Law Article; and

1 (2) the person was a minor who was at least [13] 14 years old at the
2 time the delinquent act was committed.

3 [(b)] (C) The [listing] REGISTRY of juvenile sex offenders shall be
4 accessible only by law enforcement personnel for law enforcement purposes.

5 [(c)] (D) ~~When the juvenile court's jurisdiction over a person who is~~
6 ~~included in the listing of juvenile sex offenders~~ JUVENILE REGISTRANT terminates
7 under § 3-8A-07 of the Courts Article, the ~~person~~ JUVENILE REGISTRANT shall be
8 removed from the ~~listing~~ SUBJECT TO REGISTRY. SUBSECTION (E) OF THIS
9 SECTION, THE TERM OF REGISTRATION FOR A JUVENILE REGISTRANT IS THE
10 LIFE OF THE JUVENILE REGISTRANT.

11 ~~(E) THE TERM OF REGISTRATION FOR A JUVENILE REGISTRANT SHALL~~
12 ~~BE REDUCED TO 25 YEARS IF, IN THE 25 YEARS FOLLOWING THE DATE ON~~
13 ~~WHICH THE REGISTRANT WAS REQUIRED TO REGISTER, THE REGISTRANT:~~

14 ~~(1) IS NOT ADJUDICATED DELINQUENT FOR OR CONVICTED OF~~
15 ~~ANY OFFENSE FOR WHICH A TERM OF IMPRISONMENT OF MORE THAN 1 YEAR~~
16 ~~MAY BE IMPOSED;~~

17 ~~(2) IS NOT ADJUDICATED DELINQUENT FOR OR CONVICTED OF~~
18 ~~ANY SEX OFFENSE;~~

19 ~~(3) SUCCESSFULLY COMPLETES, WITHOUT REVOCATION, ANY~~
20 ~~PERIOD OF SUPERVISED RELEASE OR PROBATION; AND~~

21 ~~(4) SUCCESSFULLY COMPLETES AN APPROPRIATE SEX OFFENDER~~
22 ~~TREATMENT PROGRAM.~~

23 ~~(F)~~ (E) A JUVENILE REGISTRANT SHALL APPEAR IN PERSON AT A
24 LOCATION DESIGNATED BY THE DEPARTMENT OF JUVENILE SERVICES EVERY 3
25 MONTHS TO:

26 (1) UPDATE AND VERIFY WITH THE DEPARTMENT OF JUVENILE
27 SERVICES THE INFORMATION INCLUDED IN THE REGISTRY OF JUVENILE SEX
28 OFFENDERS UNDER THIS SECTION; AND

29 (2) ALLOW THE DEPARTMENT OF JUVENILE SERVICES TO TAKE A
30 DIGITAL IMAGE OF THE JUVENILE REGISTRANT.

31 ~~(G)~~ (F) THE ~~DEPARTMENT, IN CONJUNCTION WITH THE~~
32 ~~DEPARTMENT OF JUVENILE SERVICES,~~ SHALL ADOPT REGULATIONS
33 NECESSARY TO CARRY OUT THE DUTIES OF THE DEPARTMENT OF JUVENILE

1 SERVICES RELATING TO THE REGISTRY OF JUVENILE SEX OFFENDERS UNDER
2 THIS SECTION.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 June 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.