

# HOUSE BILL 1023

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By: **Delegates Kipke, Adams, Arentz, Chisholm, Ciliberti, Clark, Corderman, Grammer, Hartman, Howard, Malone, Mangione, McKay, Miller, Morgan, Reilly, Saab, Szeliga, and Wivell**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Maryland Violent Offender Registry**

3 FOR the purpose of requiring the Department of Public Safety and Correctional Services  
4 to establish the Maryland Violent Offender Registry; requiring the Registry to be  
5 updated in a certain manner and to include certain information; requiring certain  
6 Registry information to be made available in a certain manner; prohibiting certain  
7 information from being made available; requiring a certain person convicted of a  
8 certain crime to register with a certain county sheriff; exempting a person from  
9 registration under certain circumstances; requiring a person who is required to  
10 register under this Act to register within a certain period of time; requiring a  
11 registrant to provide certain information for registration; requiring the county  
12 sheriff to obtain a certain digital image from a person registering under this Act;  
13 requiring a registrant to update certain information in a certain manner;  
14 establishing that a certain registration shall stay in effect for a certain period of time;  
15 requiring the county sheriff to forward certain registration information to the  
16 Department; requiring a registrant to pay a certain annual registration fee;  
17 requiring a county sheriff to remit certain fees in a certain manner; establishing the  
18 Maryland Violent Offender Registry Fund as a certain special, nonlapsing fund;  
19 providing that the Fund consists of certain money; requiring the State Treasurer to  
20 hold the Fund separately, and the Comptroller to account for the Fund; providing  
21 that the Fund shall be invested and reinvested in a certain manner; providing that  
22 the Fund is subject to audit by the Office of Legislative Audits; providing for the  
23 distribution of money in the Fund; providing that this Act does not prohibit the Fund  
24 from receiving money from a certain source; prohibiting a person who is subject to  
25 registration under this Act from knowingly failing to register or failing to provide  
26 accurate information when registering; establishing penalties for a violation of this  
27 Act; defining certain terms; and generally relating to the establishment of a  
28 Maryland Violent Offender Registry.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,  
2 Article – Criminal Law  
3 Section 14–101(a)  
4 Annotated Code of Maryland  
5 (2012 Replacement Volume and 2018 Supplement)

6 BY adding to  
7 Article – Criminal Procedure  
8 Section 11–1201 through 11–1208 to be under the new subtitle “Subtitle 12.  
9 Maryland Violent Offender Registry”  
10 Annotated Code of Maryland  
11 (2018 Replacement Volume)

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

14 **Article – Criminal Law**

15 14–101.

16 (a) In this section, “crime of violence” means:

17 (1) abduction;

18 (2) arson in the first degree;

19 (3) kidnapping;

20 (4) manslaughter, except involuntary manslaughter;

21 (5) mayhem;

22 (6) maiming, as previously proscribed under former Article 27, §§ 385 and  
23 386 of the Code;

24 (7) murder;

25 (8) rape;

26 (9) robbery under § 3–402 or § 3–403 of this article;

27 (10) carjacking;

28 (11) armed carjacking;

29 (12) sexual offense in the first degree;

1 (13) sexual offense in the second degree;

2 (14) use of a firearm in the commission of a felony except possession with  
3 intent to distribute a controlled dangerous substance under § 5-602(2) of this article, or  
4 other crime of violence;

5 (15) child abuse in the first degree under § 3-601 of this article;

6 (16) sexual abuse of a minor under § 3-602 of this article if:

7 (i) the victim is under the age of 13 years and the offender is an  
8 adult at the time of the offense; and

9 (ii) the offense involved:

10 1. vaginal intercourse, as defined in § 3-301 of this article;

11 2. a sexual act, as defined in § 3-301 of this article;

12 3. an act in which a part of the offender's body penetrates,  
13 however slightly, into the victim's genital opening or anus; or

14 4. the intentional touching of the victim's or the offender's  
15 genital, anal, or other intimate area for sexual arousal, gratification, or abuse;

16 (17) home invasion under § 6-202(b) of this article;

17 (18) an attempt to commit any of the crimes described in items (1) through  
18 (17) of this subsection;

19 (19) continuing course of conduct with a child under § 3-315 of this article;

20 (20) assault in the first degree;

21 (21) assault with intent to murder;

22 (22) assault with intent to rape;

23 (23) assault with intent to rob;

24 (24) assault with intent to commit a sexual offense in the first degree; and

25 (25) assault with intent to commit a sexual offense in the second degree.

26 **Article – Criminal Procedure**

27 **SUBTITLE 12. MARYLAND VIOLENT OFFENDER REGISTRY.**

1 11-1201.

2 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
3 INDICATED.

4 (B) "EMPLOYMENT" MEANS AN OCCUPATION, A JOB, OR A VOCATION THAT  
5 IS FULL TIME OR PART TIME FOR A PERIOD EXCEEDING 14 DAYS OR FOR AN  
6 AGGREGATE PERIOD EXCEEDING 30 DAYS DURING A CALENDAR YEAR, WHETHER  
7 FINANCIALLY COMPENSATED, VOLUNTEERED, OR FOR THE PURPOSE OF  
8 GOVERNMENT OR EDUCATIONAL BENEFIT.

9 (C) "FUND" MEANS THE MARYLAND VIOLENT OFFENDER REGISTRY FUND  
10 ESTABLISHED UNDER THIS SUBTITLE.

11 (D) (1) "HABITUALLY LIVES" MEANS ANY PLACE WHERE A PERSON LIVES,  
12 SLEEPS, OR VISITS WITH ANY REGULARITY, INCLUDING WHERE A HOMELESS  
13 PERSON IS STATIONED DURING THE DAY OR SLEEPS AT NIGHT.

14 (2) "HABITUALLY LIVES" INCLUDES ANY PLACE WHERE A PERSON  
15 VISITS FOR LONGER THAN 5 HOURS PER VISIT MORE THAN 5 TIMES WITHIN A  
16 30-DAY PERIOD.

17 (E) "HOMELESS" MEANS HAVING NO FIXED RESIDENCE.

18 (F) "REGISTRANT" MEANS A PERSON WHO IS SUBJECT TO REGISTRATION  
19 UNDER § 11-1204 OF THIS SUBTITLE.

20 (G) "REGISTRY" MEANS THE MARYLAND VIOLENT OFFENDER REGISTRY,  
21 ESTABLISHED UNDER § 11-1203 OF THIS SUBTITLE.

22 (H) "RELEASE" HAS THE MEANING STATED IN § 11-701 OF THIS TITLE.

23 (I) "STUDENT" MEANS AN INDIVIDUAL WHO IS ENROLLED IN OR ATTENDS  
24 AN EDUCATIONAL INSTITUTION, INCLUDING A PUBLIC OR PRIVATE SECONDARY  
25 SCHOOL, TRADE OR PROFESSIONAL SCHOOL, OR AN INSTITUTION OF HIGHER  
26 EDUCATION.

27 (J) "TRANSIENT" MEANS A NONRESIDENT VIOLENT OFFENDER WHO  
28 ENTERS A COUNTY OF THIS STATE WITH THE INTENT TO BE IN THE STATE OR IS IN  
29 THE STATE FOR A PERIOD EXCEEDING 14 DAYS OR FOR AN AGGREGATE PERIOD  
30 EXCEEDING 30 DAYS DURING THE CALENDAR YEAR FOR A PURPOSE OTHER THAN  
31 EMPLOYMENT OR TO ATTEND AN EDUCATIONAL INSTITUTION.

1           **(K) “VIOLENT OFFENDER” MEANS A PERSON WHO HAS BEEN CONVICTED OF**  
2 **CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT OR COMMITTING:**

3                   **(1) MURDER;**

4                   **(2) A SECOND OR SUBSEQUENT VIOLENT OFFENSE; OR**

5                   **(3) A CRIME COMMITTED IN A FEDERAL, MILITARY, TRIBAL, OR**  
6 **OTHER JURISDICTION THAT, IF COMMITTED IN THE STATE, WOULD CONSTITUTE A**  
7 **CRIME DESCRIBED UNDER ITEM (1) OR (2) OF THIS SUBSECTION.**

8 **11-1202.**

9           **FOR THE PURPOSES OF THIS SUBTITLE, A PERSON IS CONVICTED WHEN THE**  
10 **PERSON:**

11                   **(1) IS FOUND GUILTY OF A CRIME BY A JURY OR JUDICIAL OFFICER;**

12                   **(2) ENTERS A PLEA OF GUILTY OR NOLO CONTENDERE;**

13                   **(3) IS GRANTED A PROBATION BEFORE JUDGMENT AFTER A FINDING**  
14 **OF GUILT FOR A CRIME IF THE COURT, AS A CONDITION OF PROBATION, ORDERS**  
15 **COMPLIANCE WITH THE REQUIREMENTS OF THIS SUBTITLE; OR**

16                   **(4) IS FOUND NOT CRIMINALLY RESPONSIBLE FOR A CRIME.**

17 **11-1203.**

18           **(A) THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN A CENTRAL**  
19 **COMPUTERIZED REGISTRY OF ALL VIOLENT OFFENDERS WHO ARE REQUIRED TO**  
20 **REGISTER IN ACCORDANCE WITH § 11-1204 OF THIS SUBTITLE, TO BE KNOWN AS**  
21 **THE MARYLAND VIOLENT OFFENDER REGISTRY.**

22           **(B) THE REGISTRY SHALL BE UPDATED BASED ON INFORMATION MADE**  
23 **AVAILABLE TO THE DEPARTMENT, INCLUDING INFORMATION ACQUIRED IN**  
24 **ACCORDANCE WITH THE REGISTRATION PROVISIONS OF § 11-1204 OF THIS**  
25 **SUBTITLE.**

26           **(C) FOR EACH REGISTRANT, THE REGISTRY SHALL INCLUDE:**

27                   **(1) THE REGISTRANT’S NAME;**

1           **(2) THE REGISTRANT'S DATE OF BIRTH;**

2           **(3) THE REGISTRANT'S RACE;**

3           **(4) THE REGISTRANT'S GENDER;**

4           **(5) THE REGISTRANT'S RESIDENTIAL ADDRESS;**

5           **(6) THE DATE AND A DESCRIPTION OF THE CRIME FOR WHICH**  
6 **REGISTRATION IS REQUIRED; AND**

7           **(7) A DIGITAL IMAGE OF THE REGISTRANT'S HEAD AND SHOULDERS**  
8 **TAKEN IN FULL-FACE VIEW.**

9           **(D) (1) THE DEPARTMENT SHALL MAKE AVAILABLE TO THE PUBLIC,**  
10 **THROUGH THE INTERNET, BY TELEPHONE, BY WRITTEN ACCESS, AND IN PERSON,**  
11 **REGISTRATION INFORMATION CONTAINED IN THE REGISTRY.**

12           **(2) INFORMATION MADE AVAILABLE BY THE DEPARTMENT SHALL**  
13 **INCLUDE, IN PLAIN LANGUAGE THAT CAN BE UNDERSTOOD WITHOUT SPECIAL**  
14 **KNOWLEDGE OF THE CRIMINAL LAWS OF THE STATE, A FACTUAL DESCRIPTION OF**  
15 **EACH CRIME COMMITTED BY THE REGISTRANT THAT IS A BASIS FOR THE**  
16 **REGISTRATION, EXCLUDING DETAILS THAT WOULD IDENTIFY THE VICTIM.**

17           **(3) REGISTRATION INFORMATION PROVIDED TO THE PUBLIC MAY**  
18 **NOT INCLUDE A REGISTRANT'S SOCIAL SECURITY NUMBER, DRIVER'S LICENSE**  
19 **NUMBER, MEDICAL OR THERAPEUTIC TREATMENT, TRAVEL AND IMMIGRATION**  
20 **DOCUMENT NUMBERS, AND ARRESTS NOT RESULTING IN CONVICTION.**

21 **11-1204.**

22           **(A) IN THIS SECTION, "RESIDENT" MEANS A PERSON WHO HAS A HOME OR**  
23 **OTHER PLACE WHERE THE PERSON HABITUALLY LIVES IN THIS STATE WHEN THE**  
24 **PERSON:**

25           **(1) IS RELEASED;**

26           **(2) IS GRANTED PROBATION;**

27           **(3) IS GRANTED A SUSPENDED SENTENCE; OR**

28           **(4) RECEIVES A SENTENCE THAT DOES NOT INCLUDE A TERM OF**  
29 **IMPRISONMENT.**

1 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION:

2 (1) A VIOLENT OFFENDER WHO RESIDES IN THE STATE SHALL  
3 REGISTER WITH THE COUNTY SHERIFF IN THE COUNTY IN WHICH THE VIOLENT  
4 OFFENDER RESIDES:

5 (I) IF THE VIOLENT OFFENDER IS A RESIDENT, WITHIN 3 DAYS  
6 AFTER THE DATE THAT THE VIOLENT OFFENDER:

7 1. IS RELEASED;

8 2. IS GRANTED PROBATION;

9 3. IS GRANTED A SUSPENDED SENTENCE; OR

10 4. RECEIVES A SENTENCE THAT DOES NOT INCLUDE A  
11 TERM OF IMPRISONMENT; OR

12 (II) IF THE VIOLENT OFFENDER MOVES INTO THE STATE,  
13 WITHIN 3 DAYS AFTER THE EARLIEST OF THE DATE THAT THE VIOLENT OFFENDER:

14 1. ESTABLISHES A TEMPORARY OR PERMANENT  
15 RESIDENCE IN THE STATE;

16 2. BEGINS TO HABITUALLY LIVE IN THE STATE; OR

17 3. APPLIES FOR A DRIVER'S LICENSE IN THE STATE; OR

18 (2) UNLESS THE VIOLENT OFFENDER IS SUBJECT TO REGISTRATION  
19 UNDER ITEM (1) OF THIS SUBSECTION, A VIOLENT OFFENDER WHO IS EMPLOYED, IS  
20 REGISTERED AS A STUDENT, OR IS A TRANSIENT IN THE STATE SHALL REGISTER  
21 WITH THE COUNTY SHERIFF FOR THE COUNTY IN WHICH THE VIOLENT OFFENDER IS  
22 EMPLOYED, IS REGISTERED AS A STUDENT, OR IS A TRANSIENT WITHIN 3 DAYS  
23 AFTER THE DATE THAT THE VIOLENT OFFENDER:

24 (I) BEGINS EMPLOYMENT IN THE STATE;

25 (II) REGISTERS AS A STUDENT IN THE STATE; OR

26 (III) ENTERS THE STATE AS A TRANSIENT.

27 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A VIOLENT

1 OFFENDER IS NOT SUBJECT TO REGISTRATION UNDER THIS SUBTITLE IF:

2 (1) THE UNDERLYING CONVICTION REQUIRING REGISTRATION HAS  
3 BEEN REVERSED, VACATED, SET ASIDE, OR EXPUNGED;

4 (2) THE VIOLENT OFFENDER HAS BEEN PARDONED FOR THE  
5 UNDERLYING CONVICTION;

6 (3) THE VIOLENT OFFENDER IS SUBJECT TO REGISTRATION UNDER  
7 SUBTITLE 7 OF THIS TITLE; OR

8 (4) IT HAS BEEN AT LEAST 10 YEARS SINCE THE VIOLENT OFFENDER  
9 SATISFIED THE SENTENCE FOR THE MOST RECENT VIOLENT OFFENSE FOR WHICH  
10 THE VIOLENT OFFENDER HAS BEEN CONVICTED, INCLUDING PAROLE, PROBATION,  
11 MANDATORY SUPERVISION, AND RESTITUTION.

12 11-1205.

13 (A) A REGISTRANT SHALL PROVIDE THE COUNTY SHERIFF WITH THE  
14 FOLLOWING INFORMATION:

15 (1) THE REGISTRANT'S LEGAL NAME;

16 (2) THE REGISTRANT'S DATE OF BIRTH;

17 (3) THE REGISTRANT'S RACE;

18 (4) THE REGISTRANT'S GENDER;

19 (5) THE REGISTRANT'S CURRENT ADDRESS OR LOCATION;

20 (6) THE CRIME OF WHICH THE REGISTRANT WAS CONVICTED; AND

21 (7) THE DATE AND LOCATION OF THE CRIME.

22 (B) THE COUNTY SHERIFF SHALL OBTAIN A DIGITAL IMAGE OF THE  
23 REGISTRANT'S HEAD AND SHOULDERS TAKEN IN FULL-FACE VIEW.

24 (C) A REGISTRANT SHALL UPDATE THE REGISTRANT'S REGISTRATION  
25 INFORMATION:

26 (1) ANNUALLY; AND

1           **(2) TO REFLECT ANY CHANGE IN ADDRESS WITHIN 10 DAYS AFTER**  
2 **THE CHANGE.**

3           **(D) (1) REGISTRATION UNDER THIS SUBTITLE SHALL REMAIN IN EFFECT**  
4 **FROM THE EARLIEST OF THE DATE THAT THE REGISTRANT IS RELEASED, IS**  
5 **GRANTED PROBATION, IS GRANTED A SUSPENDED SENTENCE, OR RECEIVES A**  
6 **SENTENCE THAT DOES NOT INCLUDE A TERM OF IMPRISONMENT UNTIL 10 YEARS**  
7 **AFTER THE REGISTRANT SATISFIES THE SENTENCE FOR THE MOST RECENT**  
8 **OFFENSE FOR WHICH THE VIOLENT OFFENDER WAS CONVICTED FOR WHICH**  
9 **REGISTRATION IS REQUIRED, INCLUDING PAROLE, PROBATION, MANDATORY**  
10 **SUPERVISION, AND RESTITUTION.**

11           **(2) A REGISTRANT WHO IS NOT A RESIDENT OF THE STATE SHALL**  
12 **REGISTER FOR THE APPROPRIATE TIME SPECIFIED IN THIS SUBSECTION OR UNTIL**  
13 **THE REGISTRANT'S EMPLOYMENT, STUDENT ENROLLMENT, OR TRANSIENT STATUS**  
14 **IN THE STATE ENDS.**

15           **(E) THE COUNTY SHERIFF SHALL FORWARD ALL REGISTRATION**  
16 **INFORMATION TO THE DEPARTMENT.**

17 **11-1206.**

18           **(A) IN ADDITION TO ANY FINE, FEE, OR PENALTY LEVIED OR IMPOSED AS**  
19 **PROVIDED BY LAW, EACH REGISTRANT SHALL PAY AN ANNUAL REGISTRATION FEE**  
20 **OF \$50.**

21           **(B) THE COUNTY SHERIFF SHALL REMIT THE ANNUAL REGISTRATION FEES**  
22 **COLLECTED UNDER SUBSECTION (A) OF THIS SECTION TO THE STATE TREASURER**  
23 **FOR DEPOSIT INTO THE MARYLAND VIOLENT OFFENDER REGISTRY FUND.**

24 **11-1207.**

25           **(A) (1) THERE IS A MARYLAND VIOLENT OFFENDER REGISTRY FUND.**

26           **(2) THE FUND CONSISTS OF:**

27                   **(I) MONEY DISTRIBUTED TO THE FUND FROM ANNUAL**  
28 **REGISTRATION FEES COLLECTED UNDER § 11-1206 OF THIS SUBTITLE; AND**

29                   **(II) MONEY MADE AVAILABLE TO THE FUND FROM ANY OTHER**  
30 **SOURCE.**

31           **(3) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**

1 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

2 (4) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,  
3 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

4 (5) THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME  
5 MANNER AS OTHER STATE FUNDS.

6 (6) THE FUND IS SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE  
7 AUDITS AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.

8 (B) THE FUND MAY BE USED ONLY FOR FUNDING THE ADMINISTRATION OF  
9 THIS SUBTITLE BY COUNTY SHERIFFS AND THE DEPARTMENT.

10 (C) THIS SECTION DOES NOT PROHIBIT THE FUND FROM RECEIVING MONEY  
11 FROM ANY OTHER SOURCE.

12 11-1208.

13 (A) A PERSON WHO IS SUBJECT TO REGISTRATION UNDER § 11-1204 OF  
14 THIS SUBTITLE MAY NOT KNOWINGLY:

15 (1) FAIL TO REGISTER WITH THE COUNTY SHERIFF; OR

16 (2) FAIL TO PROVIDE ACCURATE INFORMATION WHEN REGISTERING  
17 UNDER § 11-1204 OF THIS SUBTITLE.

18 (B) A PERSON WHO VIOLATES THIS SECTION:

19 (1) FOR A FIRST OFFENSE, IS GUILTY OF A MISDEMEANOR AND ON  
20 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE  
21 NOT EXCEEDING \$5,000 OR BOTH; AND

22 (2) FOR A SECOND OR SUBSEQUENT OFFENSE, IS GUILTY OF A FELONY  
23 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A  
24 FINE NOT EXCEEDING \$10,000 OR BOTH.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2019.