

HOUSE BILL 804

R4, E2

11r2449
CF SB 18

By: **Delegate Haddaway–Ricchio**

Introduced and read first time: February 11, 2011

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Registered Sex Offenders – Drivers’ Licenses and**
3 **Identification Cards**

4 FOR the purpose of requiring the Department of Public Safety and Correctional
5 Services, within a certain period of time after receiving a certain sex offender
6 registration statement, to send a copy of the registration statement to the Motor
7 Vehicle Administration; requiring the Administration on receipt of the
8 registration statement to place a notation in a code known to law enforcement
9 on a driver’s license or identification card issued or reissued to the individual
10 who is the subject of the registration statement indicating that the individual is
11 registered on a certain sex offender registry; prohibiting the removal of a certain
12 notation unless the Department provides a certain written notice to the
13 Administration; and generally relating to the individuals registered on the sex
14 offender registry.

15 BY repealing and reenacting, without amendments,
16 Article – Criminal Procedure
17 Section 11–701(p)
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2010 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article – Criminal Procedure
22 Section 11–701(q)
23 Annotated Code of Maryland
24 (2008 Replacement Volume and 2010 Supplement)
25 (As enacted by Chapter 174 of the Acts of the General Assembly of 2010)

26 BY repealing and reenacting, with amendments,
27 Article – Criminal Procedure
28 Section 11–713

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2008 Replacement Volume and 2010 Supplement)

3 BY adding to
4 Article – Transportation
5 Section 12–303.2
6 Annotated Code of Maryland
7 (2009 Replacement Volume and 2010 Supplement)

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

10 **Article – Criminal Procedure**

11 11–701.

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

13 (1) conspiring to commit, attempting to commit, or committing a
14 violation of § 3–307(a)(4) or (5) of the Criminal Law Article, or § 3–324, § 11–207, or §
15 11–209 of the Criminal Law Article, if the victim is a minor;

16 (2) conspiring to commit, attempting to commit, or committing a
17 violation of § 11–303, § 11–305, or § 11–306 of the Criminal Law Article, if the
18 intended prostitute or victim is a minor;

19 (3) conspiring to commit, attempting to commit, or committing a
20 violation of § 3–314 or § 3–603 of the Criminal Law Article, if the victim is a minor
21 who is at least 14 years old;

22 (4) conspiring to commit, attempting to commit, or committing an
23 offense that would require the person to register as a tier I sex offender after the
24 person was already registered as a tier I sex offender;

25 (5) a crime that was committed in a federal, military, tribal, or other
26 jurisdiction that, if committed in this State, would constitute one of the crimes listed
27 in items (1) through (3) of this subsection; or

28 (6) a crime in a court of Canada, Great Britain, Australia, New
29 Zealand, or any other foreign country where the United States Department of State
30 has determined in its Country Reports on Human Rights Practices that an
31 independent judiciary generally or vigorously enforced the right to a fair trial during
32 the year in which the conviction occurred that, if the crime were committed in this
33 State, would constitute one of the crimes listed in items (1) through (3) of this
34 subsection.

35 (q) “Tier III sex offender” means a person who has been convicted of:

1 (1) conspiring to commit, attempting to commit, or committing a
2 violation of:

3 (i) § 2–201(a)(4)(viii), (x), or (xi) of the Criminal Law Article;

4 (ii) § 3–303, § 3–304, § 3–305, § 3–306, § 3–307(a)(1) or (2), §
5 3–309, § 3–310, § 3–311, § 3–312, § 3–315, § 3–323, § 3–502, or § 3–602 of the Criminal
6 Law Article; or

7 (iii) the common law offense of sodomy or § 3–322 of the
8 Criminal Law Article if the offense was committed with force or threat of force;

9 (2) conspiring to commit, attempting to commit, or committing a
10 violation of § 3–307(a)(3), § 3–314, § 3–503, or § 3–603 of the Criminal Law Article, if
11 the victim is under the age of 14 years;

12 (3) conspiring to commit, attempting to commit, or committing the
13 common law offense of false imprisonment, if the victim is a minor;

14 (4) conspiring to commit, attempting to commit, or committing an
15 offense that would require the person to register as a tier I or tier II sex offender after
16 the person was already registered as a tier II sex offender;

17 (5) a crime committed in a federal, military, tribal, or other
18 jurisdiction that, if committed in this State, would constitute one of the crimes listed
19 in items (1) through (3) of this subsection; or

20 (6) a crime in a court of Canada, Great Britain, Australia, New
21 Zealand, or any other foreign country where the United States Department of State
22 has determined in its Country Reports on Human Rights Practices that an
23 independent judiciary generally or vigorously enforced the right to a fair trial during
24 the year in which the conviction occurred that, if the crime were committed in this
25 State, would constitute one of the crimes listed in items (1) through (3) of this
26 subsection.

27 11–713.

28 The Department:

29 (1) as soon as possible but not later than 3 working days after
30 receiving the conviction data and fingerprints of a registrant, shall transmit the data
31 and fingerprints to the Federal Bureau of Investigation if the Bureau does not have
32 that information;

33 (2) shall keep a central registry of registrants and a listing of juvenile
34 sex offenders;

1 (3) shall reimburse local law enforcement units for the cost of
2 processing the registration statements of registrants, including the cost of taking
3 fingerprints, palm prints, and digital images;

4 (4) shall reimburse local law enforcement units for the reasonable
5 costs of implementing community notification procedures;

6 (5) shall be responsible for receiving and distributing all intrastate,
7 federal, and foreign government communications relating to the registration of sex
8 offenders; [and]

9 (6) shall notify all jurisdictions where the registrant will reside, carry
10 on employment, or attend school within 3 days of changes in the registrant's
11 registration; AND

12 (7) SHALL, WITHIN 5 WORKING DAYS AFTER RECEIVING A
13 REGISTRATION STATEMENT UNDER THIS SUBTITLE, SEND A COPY OF THE
14 REGISTRATION STATEMENT OF A TIER II SEX OFFENDER OR A TIER III SEX
15 OFFENDER TO THE MOTOR VEHICLE ADMINISTRATION.

16 Article – Transportation

17 12-303.2.

18 (A) ON RECEIPT OF A REGISTRATION STATEMENT SENT BY THE
19 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES IN
20 ACCORDANCE WITH § 11-713 OF THE CRIMINAL PROCEDURE ARTICLE STATING
21 THAT AN INDIVIDUAL WHO IS A HOLDER OF OR AN APPLICANT FOR A DRIVER'S
22 LICENSE OR IDENTIFICATION CARD HAS REGISTERED UNDER § 11-704 OF THE
23 CRIMINAL PROCEDURE ARTICLE AS A TIER II SEX OFFENDER OR A TIER III SEX
24 OFFENDER, THE ADMINISTRATION SHALL PLACE ON A DRIVER'S LICENSE OR
25 IDENTIFICATION CARD ISSUED OR REISSUED TO THE INDIVIDUAL A NOTATION,
26 IN A CODE KNOWN TO LAW ENFORCEMENT, INDICATING THAT THE INDIVIDUAL
27 IS REGISTERED ON THE SEX OFFENDER REGISTRY.

28 (B) A NOTATION PLACED IN ACCORDANCE WITH THIS SECTION MAY BE
29 REMOVED FROM A DRIVER'S LICENSE OR IDENTIFICATION CARD ONLY IF THE
30 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES PROVIDES
31 WRITTEN NOTICE TO THE ADMINISTRATION THAT THE INDIVIDUAL IS NO
32 LONGER SUBJECT TO REGISTRATION UNDER TITLE 11, SUBTITLE 7 OF THE
33 CRIMINAL PROCEDURE ARTICLE.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 2011.