

HOUSE BILL 95

E2, E4

01r0166
CF 01r0115

By: **Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)**

Introduced and read first time: January 15, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Sex Offenders – Notification and Registration**

3 FOR the purpose of altering certain requirements relating to the registration of
4 individuals who have committed certain offenses on a certain registry; altering
5 the offenses for which a person can be required to register on a certain registry
6 for committing, attempting to commit, or conspiring to commit; requiring
7 certain persons to register on a certain registry if they have been convicted of
8 certain crimes in certain countries; altering the requirements for registration on
9 a certain registry for a certain person granted probation before judgment;
10 providing that certain requirements for a person to register on a certain registry
11 are to be applied retroactively under certain circumstances; providing for the
12 calculation of a certain term of registration; altering certain requirements for
13 persons under a certain age to register on a certain registry under certain
14 circumstances; establishing that certain individuals who are under the
15 protection of certain witness protection programs are exempt from certain
16 registration requirements; altering certain time periods relating to certain
17 registration, notice, and reporting requirements; requiring certain sex offenders
18 to register in person with a certain local law enforcement unit within certain
19 time periods; providing that a certain sex offender may be required to provide
20 certain additional information to a certain local law enforcement unit;
21 establishing that a person is a resident for purposes of a certain offender
22 registry if the person has a home or other place where the person habitually
23 lives located in the State at the time of a certain event; establishing that a
24 certain registrant shall register with a certain supervising authority within a
25 certain period of time after the registrant begins to habitually live in the State;
26 requiring a certain homeless registrant to register in person with a local law
27 enforcement unit within certain time periods; requiring a certain homeless
28 registrant to register with a local law enforcement unit at certain intervals;
29 establishing that certain registration requirements for a homeless registrant
30 are in addition to certain other requirements; requiring a registrant who was

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 homeless and obtains a fixed address to register with a local law enforcement
2 unit within a certain time period; requiring a certain registrant who makes
3 changes in certain identifying information to send a certain notice to a local law
4 enforcement unit within a certain time period; requiring certain notifications by
5 certain registrants to be made by reporting in person; requiring certain
6 registrants to notify a certain local law enforcement unit when the registrant
7 leaves the United States under certain circumstances or temporarily moves;
8 requiring a certain notification to be made in a certain manner; adding to the
9 requirements of a certain registration statement; requiring a certain registrant
10 to provide a digital image instead of a photograph under certain circumstances;
11 requiring a certain registrant to provide a palm print; repealing an exemption
12 from a certain requirement to provide DNA for a certain person convicted of a
13 misdemeanor; altering the terms of registration for certain sex offenders on a
14 certain registry; authorizing certain terms of registration to be reduced under
15 certain circumstances; requiring a certain notification relating to the
16 registration of a certain sex offender to be sent to certain school
17 superintendents, schools, school principals, police departments, and certain
18 entities relating to children; requiring local law enforcement units to provide
19 certain notifications to the Department of Public Safety and Correctional
20 Services; expanding certain notification requirements relating to the residence
21 of a certain registrant to include the county where the registrant habitually
22 lives or intends to habitually live; requiring a certain supervising authority to
23 notify the local law enforcement unit where a registrant resided or habitually
24 lived in the event of a certain escape or recapture; expanding the authority of a
25 local law enforcement unit to notify entities of the location of a certain sex
26 offender to include notifying child care centers issued a certain letter of
27 compliance; providing that the Department is responsible for receiving and
28 distributing certain communications and notifying certain jurisdictions of
29 certain information; prohibiting certain registration information provided to the
30 public from including certain information; altering a certain prohibition to
31 provide that a registrant may not fail to provide certain notice, whether written
32 or in person; making certain conforming changes; defining certain terms;
33 altering certain terms; repealing certain terms; and generally relating to sex
34 offender registration.

35 BY repealing and reenacting, with amendments,
36 Article – Criminal Procedure
37 Section 11–701, 11–702, 11–702.1, 11–704 through 11–710, 11–712, 11–713,
38 11–714, 11–717, 11–718(a), and 11–721 to be under the amended subtitle
39 “Subtitle 7. Sex Offender Registration”
40 Annotated Code of Maryland
41 (2008 Replacement Volume and 2009 Supplement)

42 BY repealing and reenacting, without amendments,
43 Article – Criminal Procedure
44 Section 11–703
45 Annotated Code of Maryland
46 (2008 Replacement Volume and 2009 Supplement)

1 BY adding to
2 Article – Criminal Procedure
3 Section 11–704.1 and 11–704.2
4 Annotated Code of Maryland
5 (2008 Replacement Volume and 2009 Supplement)

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

8 **Article – Criminal Procedure**

9 Subtitle 7. **SEX OFFENDER** Registration [of Certain Offenders].

10 11–701.

11 (a) In this subtitle the following words have the meanings indicated.

12 (b) “Board” means the Sexual Offender Advisory Board.

13 (c) [“Child sexual offender” means a person who:

14 (1) has been convicted of violating § 3–602 of the Criminal Law
15 Article;

16 (2) has been convicted of violating any of the provisions of the rape or
17 sexual offense statutes under §§ 3–303 through 3–307 of the Criminal Law Article for
18 a crime involving a child under the age of 15 years;

19 (3) has been convicted of violating the fourth degree sexual offense
20 statute under § 3–308 of the Criminal Law Article for a crime involving a child under
21 the age of 15 years and has been ordered by the court to register under this subtitle;

22 (4) has been convicted in another state or in a federal, military, or
23 Native American tribal court of a crime that, if committed in this State, would
24 constitute one of the crimes listed in items (1) and (2) of this subsection; or

25 (5) (i) has been adjudicated delinquent for an act involving a
26 victim under the age of 15 years that would constitute a violation of § 3–303, § 3–304,
27 § 3–305, or § 3–306 of the Criminal Law Article if committed by an adult; and

28 (ii) meets the requirements for registration under § 11–704(c) of
29 this subtitle.

30 (d)] “Commission” means the Maryland Parole Commission.

1 **[(e)] (D)** “Employment” means an occupation, job, or vocation that is full
2 time or part time for a period exceeding 14 days or for an aggregate period exceeding
3 30 days during a calendar year, whether financially compensated, volunteered, or for
4 the purpose of government or educational benefit.

5 **[(f)] (E)** “Extended parole supervision offender” means a person who:

6 (1) is a sexually violent predator;

7 (2) has been convicted of a violation of § 3–303, § 3–304, § 3–305,
8 § 3–306(a)(1) or (2), or § 3–307(a)(1) or (2) of the Criminal Law Article;

9 (3) has been convicted of a violation of § 3–309, § 3–310, or § 3–311 of
10 the Criminal Law Article or an attempt to commit a violation of § 3–306(a)(1) or (2) of
11 the Criminal Law Article;

12 (4) has been convicted of a violation of § 3–602 of the Criminal Law
13 Article for commission of a sexual act involving penetration of a child under the age of
14 12 years; or

15 (5) has been convicted more than once of a crime as a [child sexual
16 offender, an offender, or a sexually violent offender] **TIER I SEX OFFENDER, TIER II**
17 **SEX OFFENDER, OR TIER III SEX OFFENDER.**

18 **(F) “HABITUALLY LIVES” MEANS ANY PLACE WHERE A PERSON LIVES**
19 **OR SLEEPS WITH ANY REGULARITY, INCLUDING WHERE A HOMELESS PERSON IS**
20 **STATIONED DURING THE DAY OR SLEEPS AT NIGHT.**

21 **(G) “HOMELESS” MEANS HAVING NO FIXED RESIDENCE.**

22 **(H) “IMPRISONMENT” MEANS INCARCERATION PURSUANT TO A**
23 **CONVICTION, REGARDLESS OF THE NATURE OF THE INSTITUTION IN WHICH THE**
24 **OFFENDER SERVES THE SENTENCE.**

25 **(I) “JURISDICTION” MEANS A STATE OR A NATIVE AMERICAN TRIBE**
26 **THAT ELECTS TO FUNCTION AS A REGISTRATION JURISDICTION UNDER**
27 **FEDERAL LAW.**

28 **[(g)] (J)** “Local law enforcement unit” means the law enforcement unit in a
29 county that has been designated by resolution of the county governing body as the
30 primary law enforcement unit in the county.

31 **[(h)]** “Offender” means a person who is ordered by a court to register under
32 this subtitle and who:

1 (vi) the first instance of entry into the community that is part of
2 a supervising authority's graduated release program.

3 (3) "Release" does not include:

4 (i) an escape; or

5 (ii) leave that is granted on an emergency basis.

6 [(j) "Sexually violent offender" means a person who:

7 (1) has been convicted of a sexually violent offense;

8 (2) has been convicted of an attempt to commit a sexually violent
9 offense; or

10 (3) (i) has been adjudicated delinquent for an act involving a
11 victim 15 years of age or older that would constitute a violation of § 3-303, § 3-304, §
12 3-305, or § 3-306 of the Criminal Law Article if committed by an adult; and

13 (ii) meets the requirements for registration under § 11-704(c) of
14 this subtitle.]

15 [(k) (L) "Sexually violent offense" means:

16 (1) a violation of §§ 3-303 through 3-307 or §§ 3-309 through 3-312 of
17 the Criminal Law Article;

18 (2) assault with intent to commit rape in the first or second degree or
19 a sexual offense in the first or second degree as prohibited on or before September 30,
20 1996, under former Article 27, § 12 of the Code; or

21 (3) a crime committed in another [state or in a federal, military, or
22 Native American tribal jurisdiction] **JURISDICTION, FEDERAL OR MILITARY**
23 **COURT, OR FOREIGN COUNTRY** that, if committed in this State, would constitute one
24 of the crimes listed in item (1) or (2) of this subsection.

25 [(l) (M) "Sexually violent predator" means[:

26 (1)] a person who:

27 [(i) (1) is convicted of a sexually violent offense; and

28 [(ii) (2) has been determined in accordance with this subtitle
29 to be at risk of committing another sexually violent offense]; or

1 (2) a person who is or was required to register every 90 days for life
2 under the laws of another state or a federal, military, or Native American tribal
3 jurisdiction].

4 **(N) “SEX OFFENDER” MEANS A PERSON WHO HAS BEEN CONVICTED OF:**

5 **(1) AN OFFENSE THAT WOULD REQUIRE THE PERSON TO BE**
6 **CLASSIFIED AS A TIER I SEX OFFENDER, TIER II SEX OFFENDER, OR TIER III SEX**
7 **OFFENDER;**

8 **(2) AN OFFENSE COMMITTED IN ANOTHER STATE OR IN A**
9 **FEDERAL, MILITARY, OR TRIBAL JURISDICTION THAT, IF COMMITTED IN THIS**
10 **STATE, WOULD REQUIRE THE PERSON TO BE CLASSIFIED AS A TIER I SEX**
11 **OFFENDER, TIER II SEX OFFENDER, OR TIER III SEX OFFENDER; OR**

12 **(3) AN OFFENSE IN A COURT OF CANADA, GREAT BRITAIN,**
13 **AUSTRALIA, NEW ZEALAND, OR ANY OTHER FOREIGN COUNTRY WHEN THE**
14 **UNITED STATES DEPARTMENT OF STATE HAS DETERMINED IN ITS COUNTRY**
15 **REPORTS ON HUMAN RIGHTS PRACTICES THAT AN INDEPENDENT JUDICIARY**
16 **GENERALLY OR VIGOROUSLY ENFORCED THE RIGHT TO A FAIR TRIAL DURING**
17 **THE YEAR IN WHICH THE CONVICTION OCCURRED THAT, IF COMMITTED IN THIS**
18 **STATE, WOULD REQUIRE THE PERSON TO BE CLASSIFIED AS A TIER I SEX**
19 **OFFENDER, TIER II SEX OFFENDER, OR TIER III SEX OFFENDER.**

20 **(O) “STUDENT” MEANS AN INDIVIDUAL WHO IS ENROLLED IN OR**
21 **ATTENDS AN EDUCATION INSTITUTION, INCLUDING A PUBLIC OR PRIVATE**
22 **SECONDARY SCHOOL, TRADE OR PROFESSIONAL SCHOOL, OR AN INSTITUTION**
23 **OF HIGHER EDUCATION.**

24 **[(m)] (P) “Supervising authority” means AN AGENCY OR PERSON THAT IS**
25 **RESPONSIBLE FOR COLLECTING THE INFORMATION FOR THE INITIAL**
26 **REGISTRATION OF A SEX OFFENDER AND IS:**

27 (1) the Secretary, if the registrant is in the custody of a correctional
28 facility operated by the Department;

29 (2) the administrator of a local correctional facility, if the registrant,
30 including a participant in a home detention program, is in the custody of the local
31 correctional facility;

32 (3) the court that granted the probation or suspended sentence, except
33 as provided in item (12) of this subsection, if the registrant is granted probation before
34 judgment, probation after judgment, or a suspended sentence;

1 (4) the Director of the Patuxent Institution, if the registrant is in the
2 custody of the Patuxent Institution;

3 (5) the Secretary of Health and Mental Hygiene, if the registrant is in
4 the custody of a facility operated by the Department of Health and Mental Hygiene;

5 (6) the court in which the registrant was convicted, if the registrant's
6 sentence does not include a term of imprisonment or if the sentence is modified to time
7 served;

8 (7) the Secretary, if the registrant is in the State under terms and
9 conditions of the Interstate Compact for Adult Offender Supervision, set forth in Title
10 6, Subtitle 2 of the Correctional Services Article, or the Interstate Corrections
11 Compact, set forth in Title 8, Subtitle 6 of the Correctional Services Article;

12 (8) the [Secretary, if the registrant moves to this State and was
13 convicted in another state of a crime that would require the registrant to register if the
14 crime was committed in this State] **LOCAL LAW ENFORCEMENT UNIT WHERE THE
15 SEX OFFENDER IS A RESIDENT, IS A TRANSIENT, OR HABITUALLY LIVES ON
16 MOVING FROM ANOTHER JURISDICTION OR FOREIGN COUNTRY THAT REQUIRES
17 REGISTRATION IF THE SEX OFFENDER IS NOT UNDER THE SUPERVISION,
18 CUSTODY, OR CONTROL OF ANOTHER SUPERVISING AUTHORITY;**

19 [(9) the Secretary, if the registrant moves to this State from another
20 state where the registrant was required to register;

21 (10) the Secretary, if the registrant is convicted in a federal, military, or
22 Native American tribal court and is not under supervision by another supervising
23 authority;

24 (11) the Secretary, if the registrant is not a resident of this State and
25 has been convicted in another state or by a federal, military, or Native American tribal
26 court;

27 (12)] **(9)** the Director of Parole and Probation, if the registrant is
28 under the supervision of the Division of Parole and Probation; or

29 [(13)] **(10)** the Secretary of Juvenile Services, if the registrant was a
30 minor at the time the act was committed for which registration is required.

31 **(Q) "TIER I SEX OFFENDER" MEANS A PERSON WHO HAS BEEN
32 CONVICTED OF:**

33 **(1) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR
34 COMMITTING A VIOLATION OF § 3-307(A)(1) OR (2) OR § 3-308(B) OF THE
35 CRIMINAL LAW ARTICLE, IF THE VICTIM IS AN ADULT;**

1 (2) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR
2 COMMITTING A VIOLATION OF § 3-902 OR § 11-208 OF THE CRIMINAL LAW
3 ARTICLE OR THE COMMON LAW OFFENSE OF INDECENT EXPOSURE, IF THE
4 VICTIM IS A MINOR;

5 (3) A CRIME COMMITTED IN A FEDERAL, MILITARY, TRIBAL, OR
6 OTHER JURISDICTION THAT, IF COMMITTED IN THIS STATE, WOULD
7 CONSTITUTE ONE OF THE CRIMES LISTED IN ITEM (1) OR (2) OF THIS
8 SUBSECTION;

9 (4) ANY OF THE FOLLOWING FEDERAL OFFENSES:

10 (I) MISLEADING DOMAIN NAMES ON THE INTERNET UNDER
11 18 U.S.C. § 2252C;

12 (II) MISLEADING WORDS OR DIGITAL IMAGES ON THE
13 INTERNET UNDER 18 U.S.C. § 2252C;

14 (III) ENGAGING IN ILLICIT CONDUCT IN FOREIGN PLACES
15 UNDER 18 U.S.C. § 2423(C);

16 (IV) FAILURE TO FILE A FACTUAL STATEMENT ABOUT AN
17 ALIEN INDIVIDUAL UNDER 18 U.S.C. § 2424; OR

18 (V) TRANSMITTING INFORMATION ABOUT A MINOR TO
19 FURTHER CRIMINAL SEXUAL CONDUCT UNDER 18 U.S.C. § 2425;

20 (5) ANY MILITARY OFFENSE SPECIFIED BY THE SECRETARY OF
21 DEFENSE UNDER SECTION 115(A)(8)(C)(I) OF PUBLIC LAW 105-119 (CODIFIED
22 AT 10 U.S.C. § 951 NOTE) THAT IS SIMILAR TO THOSE OFFENSES LISTED IN
23 ITEM (4) OF THIS SUBSECTION; OR

24 (6) A CRIME IN A COURT OF CANADA, GREAT BRITAIN,
25 AUSTRALIA, NEW ZEALAND, OR ANY OTHER FOREIGN COUNTRY WHERE THE
26 UNITED STATES DEPARTMENT OF STATE HAS DETERMINED IN ITS COUNTRY
27 REPORTS ON HUMAN RIGHTS PRACTICES THAT AN INDEPENDENT JUDICIARY
28 GENERALLY OR VIGOROUSLY ENFORCED THE RIGHT TO A FAIR TRIAL DURING
29 THE YEAR IN WHICH THE CONVICTION OCCURRED THAT, IF THE CRIME WERE
30 COMMITTED IN THIS STATE, WOULD CONSTITUTE ONE OF THE CRIMES LISTED
31 IN ITEMS (1) THROUGH (5) OF THIS SUBSECTION.

32 (R) "TIER II SEX OFFENDER" MEANS A PERSON WHO HAS BEEN
33 CONVICTED OF:

1 **(1) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR**
2 **COMMITTING A VIOLATION OF § 3-324, § 11-207, OR § 11-209 OF THE CRIMINAL**
3 **LAW ARTICLE, IF THE VICTIM IS A MINOR;**

4 **(2) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR**
5 **COMMITTING A VIOLATION OF § 11-303, § 11-305, OR § 11-306 OF THE**
6 **CRIMINAL LAW ARTICLE, IF THE INTENDED PROSTITUTE OR VICTIM IS A**
7 **MINOR;**

8 **(3) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR**
9 **COMMITTING A VIOLATION OF § 3-308(B)(1) OR (C), § 3-314, OR § 3-603 OF THE**
10 **CRIMINAL LAW ARTICLE, IF THE VICTIM IS A MINOR WHO IS AT LEAST 13 YEARS**
11 **OLD;**

12 **(4) A CRIME THAT WAS COMMITTED IN A FEDERAL, MILITARY,**
13 **TRIBAL, OR OTHER JURISDICTION THAT, IF COMMITTED IN THIS STATE, WOULD**
14 **CONSTITUTE ONE OF THE CRIMES LISTED IN ITEMS (1) THROUGH (3) OF THIS**
15 **SUBSECTION; OR**

16 **(5) A CRIME IN A COURT OF CANADA, GREAT BRITAIN,**
17 **AUSTRALIA, NEW ZEALAND, OR ANY OTHER FOREIGN COUNTRY WHERE THE**
18 **UNITED STATES DEPARTMENT OF STATE HAS DETERMINED IN ITS COUNTRY**
19 **REPORTS ON HUMAN RIGHTS PRACTICES THAT AN INDEPENDENT JUDICIARY**
20 **GENERALLY OR VIGOROUSLY ENFORCED THE RIGHT TO A FAIR TRIAL DURING**
21 **THE YEAR IN WHICH THE CONVICTION OCCURRED THAT, IF THE CRIME WERE**
22 **COMMITTED IN THIS STATE, WOULD CONSTITUTE ONE OF THE CRIMES LISTED**
23 **IN ITEMS (1) THROUGH (3) OF THIS SUBSECTION.**

24 **(S) “TIER III SEX OFFENDER” MEANS A PERSON WHO HAS BEEN**
25 **CONVICTED OF:**

26 **(1) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR**
27 **COMMITTING A VIOLATION OF:**

28 **(I) § 2-201(4)(VIII), (X), OR (XI) OF THE CRIMINAL LAW**
29 **ARTICLE; OR**

30 **(II) § 3-303, § 3-304, § 3-305, § 3-306, § 3-309, § 3-310, §**
31 **3-311, § 3-312, § 3-315, § 3-322, § 3-323, § 3-502, OR § 3-602 OF THE**
32 **CRIMINAL LAW ARTICLE, OR THE COMMON LAW OFFENSE OF SODOMY;**

1 **(2) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR**
2 **COMMITTING A VIOLATION OF § 3-307, § 3-308, § 3-314, § 3-503, OR § 3-603 OF**
3 **THE CRIMINAL LAW ARTICLE, IF THE VICTIM IS UNDER THE AGE OF 13 YEARS;**

4 **(3) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR**
5 **COMMITTING THE COMMON LAW OFFENSE OF FALSE IMPRISONMENT, IF THE**
6 **VICTIM IS A MINOR;**

7 **(4) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR**
8 **COMMITTING A VIOLATION OF § 3-202 OR § 3-203 OF THE CRIMINAL LAW**
9 **ARTICLE, IF THE PERSON IS CHARGED WITH A VIOLATION OF § 3-303, § 3-304, §**
10 **3-305, OR § 3-306 OF THE CRIMINAL LAW ARTICLE ARISING OUT OF THE SAME**
11 **INCIDENT;**

12 **(5) A CRIME COMMITTED IN A FEDERAL, MILITARY, TRIBAL, OR**
13 **OTHER JURISDICTION THAT, IF COMMITTED IN THIS STATE, WOULD**
14 **CONSTITUTE ONE OF THE CRIMES LISTED IN ITEMS (1) THROUGH (4) OF THIS**
15 **SUBSECTION; OR**

16 **(6) A CRIME IN A COURT OF CANADA, GREAT BRITAIN,**
17 **AUSTRALIA, NEW ZEALAND, OR ANY OTHER FOREIGN COUNTRY WHERE THE**
18 **UNITED STATES DEPARTMENT OF STATE HAS DETERMINED IN ITS COUNTRY**
19 **REPORTS ON HUMAN RIGHTS PRACTICES THAT AN INDEPENDENT JUDICIARY**
20 **GENERALLY OR VIGOROUSLY ENFORCED THE RIGHT TO A FAIR TRIAL DURING**
21 **THE YEAR IN WHICH THE CONVICTION OCCURRED THAT, IF THE CRIME WERE**
22 **COMMITTED IN THIS STATE, WOULD CONSTITUTE ONE OF THE CRIMES LISTED**
23 **IN ITEMS (1) THROUGH (4) OF THIS SUBSECTION.**

24 **[(n)] (T)** “Transient” means a nonresident registrant who enters a county of
25 this State with the intent to be in the State or is in the State for a period exceeding 14
26 days or for an aggregate period exceeding 30 days during a calendar year for a purpose
27 other than employment or to attend an educational institution.

28 11-702.

29 For the purposes of this subtitle, a person is convicted when the person:

30 (1) is found guilty of a crime by a jury or judicial officer;

31 (2) enters a plea of guilty or nolo contendere;

32 (3) is granted a probation before judgment [after a finding of guilt for
33 a crime if the court, as a condition of probation, orders compliance with the
34 requirements of this subtitle]; or

1 (4) is found not criminally responsible for a crime.

2 11-702.1.

3 (a) Notwithstanding any other provision of law to the contrary, [except as
4 provided in subsection (b) of this section,] this subtitle shall be applied retroactively to
5 include a [registrant convicted of an offense committed before July 1, 1997, and who is
6 under the custody or supervision of a supervising authority on October 1, 2001] **TIER I**
7 **SEX OFFENDER RELEASED AFTER OCTOBER 1, 1993, FOR A CRIME REQUIRING**
8 **REGISTRATION UNDER THIS SUBTITLE.**

9 (b) Notwithstanding any other provision of law to the contrary, this subtitle
10 shall be applied retroactively to a [child sexual offender who committed the sexual
11 offense on or before October 1, 1995, and who is under the custody or supervision of a
12 supervising authority on October 1, 2001] **TIER II SEX OFFENDER RELEASED AFTER**
13 **OCTOBER 1, 1984.**

14 (c) [(1) Notwithstanding any other provision of law to the contrary, this
15 subtitle shall be applied retroactively to include:

16 (i) a person convicted on or after July 1, 1997, of an offense
17 committed before July 1, 1997, for which registration as a sexually violent predator or
18 sexually violent offender is required under this subtitle; and

19 (ii) a person convicted on or after October 1, 1995, of an offense
20 committed before October 1, 1995, for which registration as a child sexual offender is
21 required under this subtitle.] **NOTWITHSTANDING ANY OTHER PROVISION OF LAW**
22 **TO THE CONTRARY, THIS SUBTITLE SHALL BE APPLIED RETROACTIVELY TO ALL**
23 **TIER III SEX OFFENDERS.**

24 [(2)] **(D)** The Department shall **ATTEMPT TO** contact and notify each
25 person [who is not under the custody or supervision of a supervising authority on
26 October 1, 2009,] for whom registration is required under [paragraph (1) of this
27 subsection] **THIS SECTION.**

28 **(E) THE TERM OF REGISTRATION FOR A SEX OFFENDER REGISTERED**
29 **UNDER SUBSECTION (A) OR (B) OF THIS SECTION SHALL BE CALCULATED FROM**
30 **THE DATE OF RELEASE.**

31 11-703.

32 (a) (1) Subject to subsections (b) and (c) of this section, if a person is
33 convicted of a sexually violent offense, the State's Attorney before sentencing may ask
34 the court to determine whether the person is a sexually violent predator.

1 (2) If the State's Attorney makes a request under paragraph (1) of this
2 subsection, the court shall determine, before or at sentencing, whether the person is a
3 sexually violent predator.

4 (b) In making a determination under subsection (a) of this section, the court
5 shall consider:

6 (1) evidence that the court considers appropriate to the determination
7 of whether the person is a sexually violent predator, including the presentencing
8 investigation and sexually violent offender's inmate record;

9 (2) evidence introduced by the person convicted; and

10 (3) at the request of the State's Attorney, evidence that a victim of the
11 sexually violent offense presents.

12 (c) The State's Attorney may not ask a court to determine whether a person
13 is a sexually violent predator under this section unless the State's Attorney serves
14 written notice of intent to make the request on the defendant or the defendant's
15 counsel at least 30 days before trial.

16 11-704.

17 (a) [Subject to subsection (c) of this section, a] **A** person shall register with
18 the person's supervising authority if the person is:

19 (1) [a child sexual offender] **A TIER I SEX OFFENDER;**

20 (2) [an offender] **A TIER II SEX OFFENDER;**

21 (3) [a sexually violent offender] **A TIER III SEX OFFENDER; OR**

22 (4) [a sexually violent predator;

23 (5) a child sexual offender who, before moving into this State, was
24 required to register in another state or by a federal, military, or Native American
25 tribal court for a crime that occurred before October 1, 1995;

26 (6) an offender, sexually violent offender, or sexually violent predator
27 who, before moving into this State, was required to register in another state or by a
28 federal, military, or Native American tribal court for a crime that occurred before July
29 1, 1997; or

30 (7) a child sexual offender, offender, sexually violent offender, or
31 sexually violent predator] **A SEX OFFENDER** who is required to register [in] **BY**
32 another [state,] **JURISDICTION, A FEDERAL, MILITARY, OR TRIBAL COURT, OR A**

1 **FOREIGN GOVERNMENT, AND** who is not a resident of this State, and who enters this
2 State:

3 (i) **TO BEGIN RESIDING OR TO HABITUALLY LIVE;**

4 **(II)** to carry on employment;

5 **[(ii)] (III)** to attend a public or private educational institution,
6 including a secondary school, trade or professional institution, or institution of higher
7 education, as a full-time or part-time student; or

8 **[(iii)] (IV)** as a transient.

9 (b) Notwithstanding any other provision of law, a person is no longer subject
10 to registration under this subtitle if:

11 (1) the underlying conviction requiring registration is reversed,
12 vacated, or set aside; or

13 (2) the registrant is pardoned for the underlying conviction.

14 **[(c)] (1)** A person described under § 11-701(c)(5)(i) of this subtitle, or a
15 person described under § 11-701(j)(3)(i) of this subtitle, shall register with the person's
16 supervising authority if:

17 (i) the person was a minor who was at least 13 years old at the
18 time the delinquent act was committed;

19 (ii) the State's Attorney or the Department of Juvenile Services
20 requests that the person be required to register;

21 (iii) 90 days prior to the time the juvenile court's jurisdiction
22 over the person terminates under § 3-8A-07 of the Courts Article, the court, after a
23 hearing, determines under a clear and convincing evidence standard that the person is
24 at significant risk of committing a sexually violent offense or an offense for which
25 registration as a child sexual offender is required; and

26 (iv) the person is at least 18 years old.

27 (2) If the person has committed a delinquent act that would cause the
28 court to make a determination regarding registration under paragraph (1) of this
29 subsection:

30 (i) the State's Attorney shall serve written notice to the person
31 or the person's counsel at least 30 days before a hearing to determine if the person is
32 required to register under this section; and

- 1 (ii) the Department of Juvenile Services shall:
- 2 1. provide the court with any information necessary to
3 make the determination; and
- 4 2. conduct any follow-up the court requires.
- 5 (3) The form of petitions and all other pleadings under this subsection
6 and, except as otherwise provided under Title 3 of the Courts and Judicial Proceedings
7 Article, the procedures to be followed by the court under this subsection shall be
8 specified in the Maryland Rules.
- 9 (4) The court may order an evaluation of the person in making the
10 determination under paragraph (1) of this subsection.]

11 **11-704.1.**

12 **A PERSON WHO IS UNDER THE AGE OF 18 AT THE TIME THE PERSON**
13 **COMMITS AN OFFENSE THAT REQUIRES REGISTRATION AS A TIER I SEX**
14 **OFFENDER, TIER II SEX OFFENDER, OR TIER III SEX OFFENDER MUST REGISTER**
15 **IF:**

16 **(1) CRIMINAL JURISDICTION OVER THE PERSON HAS BEEN**
17 **WAIVED TO AN ADULT COURT AND THE PERSON HAS BEEN CONVICTED AS**
18 **REQUIRED BY THIS SUBTITLE;**

19 **(2) THE PERSON IS AT LEAST 14 YEARS OLD AND HAS BEEN**
20 **ADJUDICATED DELINQUENT FOR A VIOLATION OF § 3-303, § 3-304, § 3-305, OR**
21 **§ 3-306 OF THE CRIMINAL LAW ARTICLE; OR**

22 **(3) THE PERSON IS AT LEAST 14 YEARS OLD AND HAS BEEN**
23 **ADJUDICATED DELINQUENT FOR A VIOLATION OF § 3-307(A)(1) OR**
24 **§ 3-307(A)(2) OF THE CRIMINAL LAW ARTICLE, IF THE VICTIM IS A CHILD**
25 **UNDER THE AGE OF 12.**

26 **11-704.2.**

27 **(A) ON WRITTEN REQUEST BY A FEDERAL AGENCY OPERATING A**
28 **FEDERAL WITNESS SECURITY PROGRAM ESTABLISHED UNDER 18 U.S.C. 3521,**
29 **THE REGISTRATION REQUIREMENT FOR A SEX OFFENDER UNDER THE**
30 **PROTECTION OF A FEDERAL WITNESS SECURITY PROGRAM IS WAIVED AND THE**
31 **PERSON UNDER PROTECTION IS EXEMPT FROM REGISTRATION.**

32 **(B) ON WRITTEN REQUEST BY A NONFEDERAL AGENCY THAT OPERATES**
33 **A WITNESS PROTECTION PROGRAM COMPARABLE TO A FEDERAL PROGRAM**

1 ESTABLISHED UNDER 18 U.S.C. 3521, THE REGISTRATION REQUIREMENT FOR A
2 SEX OFFENDER UNDER THE PROTECTION OF A WITNESS PROTECTION PROGRAM
3 IS WAIVED AND THE PERSON UNDER PROTECTION IS EXEMPT FROM
4 REGISTRATION.

5 (C) A WAIVER GRANTED UNDER THIS SECTION IS TERMINATED, AND
6 REGISTRATION IS REQUIRED, IF A SEX OFFENDER EXEMPTED FROM
7 REGISTRATION UNDER THIS SECTION SUBSEQUENTLY IS CONVICTED OF AN
8 OFFENSE THAT REQUIRES REGISTRATION UNDER THIS SUBTITLE.

9 11-705.

10 (a) In this section, "resident" means a person who [lives] HAS A HOME OR
11 AN OTHER PLACE THAT THE PERSON HABITUALLY LIVES LOCATED in this State
12 when the person:

13 (1) is released;

14 (2) is granted probation;

15 (3) is granted a suspended sentence; OR

16 (4) receives a sentence that does not include a term of imprisonment[;

17 or

18 (5) is released from the juvenile court's jurisdiction under § 3-8A-07
19 of the Courts Article, if the person was a minor who lived in the State at the time the
20 act was committed for which registration is required].

21 (b) A registrant shall register with the APPROPRIATE supervising authority
22 IN THE STATE:

23 (1) [if the registrant is a resident, on or] IF THE REGISTRANT WAS
24 SENTENCED TO A TERM OF IMPRISONMENT before the date that the registrant[:] IS
25 RELEASED; OR

26 (2) WITHIN 3 DAYS OF THE DATE THAT THE REGISTRANT:

27 [(i) is released;]

28 [(ii) (I) is granted probation before judgment;

29 [(iii) (II) is granted probation after judgment;

30 [(iv) (III) is granted a suspended sentence; or

1 [(v)] (IV) receives a sentence that does not include a term of
2 imprisonment;

3 [(2) if the registrant was a resident who was a minor at the time the
4 act was committed for which registration is required, within 7 days after the juvenile
5 court's jurisdiction over the person terminates under § 3-8A-07 of the Courts Article;]

6 (3) if the registrant moves into the State, within [7] 3 days after the
7 earlier of the date that the registrant:

8 (i) establishes a temporary or permanent residence in the
9 State; [or]

10 (ii) **BEGINS TO HABITUALLY LIVE IN THE STATE; OR**

11 (III) applies for a driver's license in the State; or

12 (4) if the registrant is not a resident, within [14] 3 days after the
13 registrant:

14 (i) begins employment in the State;

15 (ii) registers as a student in the State; or

16 (iii) enters the State as a transient.

17 (c) (1) A [child sexual] **SEX** offender shall also register in person with the
18 local law enforcement unit of the county where the [child sexual] **SEX** offender [will
19 reside] **RESIDES WITHIN 3 DAYS OF:**

20 (i) [within 7 days after release, or within 7 days after the
21 juvenile court's jurisdiction over the person terminates under § 3-8A-07 of the Courts
22 Article, if the child sexual offender is a resident] **RELEASE FROM ANY PERIOD OF**
23 **IMPRISONMENT OR ARREST; or**

24 (ii) [within 7 days] after registering with the supervising
25 authority, if the registrant is moving into this State **AND THE LOCAL LAW**
26 **ENFORCEMENT UNIT IS NOT THE SUPERVISING AUTHORITY.**

27 (2) [Within 7 days after registering with the supervising authority, a
28 child sexual offender who is not a resident and has entered the State under
29 § 11-704(a)(7) of this subtitle shall also register in person with the local law
30 enforcement unit of the county where the child sexual offender is a transient or will
31 work or attend school.

1 (3) A child sexual offender] **A SEX OFFENDER** may be required to give
2 to the local law enforcement unit more information than required under § 11-706 of
3 this subtitle.

4 (d) **(1) A HOMELESS REGISTRANT ALSO SHALL REGISTER IN PERSON**
5 **WITH THE LOCAL LAW ENFORCEMENT UNIT IN THE COUNTY WHERE THE**
6 **REGISTRANT HABITUALLY LIVES:**

7 **(I) WITHIN 3 DAYS AFTER THE EARLIER OF THE DATE OF**
8 **RELEASE OR AFTER REGISTERING WITH THE SUPERVISING AUTHORITY; AND**

9 **(II) WITHIN 24 HOURS AFTER ENTERING AND REMAINING IN**
10 **A COUNTY.**

11 **(2) AFTER INITIALLY REGISTERING WITH THE LOCAL LAW**
12 **ENFORCEMENT UNIT UNDER THIS SUBSECTION, A HOMELESS REGISTRANT**
13 **SHALL REGISTER ONCE A WEEK IN PERSON DURING THE TIME THE HOMELESS**
14 **REGISTRANT HABITUALLY LIVES IN THE COUNTY.**

15 **(3) THE REGISTRATION REQUIREMENTS UNDER THIS**
16 **SUBSECTION ARE IN ADDITION TO ANY OTHER REQUIREMENTS THE HOMELESS**
17 **REGISTRANT IS SUBJECT TO ACCORDING TO THE REGISTRANT'S**
18 **CLASSIFICATION AS A TIER I SEX OFFENDER, TIER II SEX OFFENDER, TIER III**
19 **SEX OFFENDER, OR SEXUALLY VIOLENT PREDATOR.**

20 **(4) IF A REGISTRANT WHO WAS HOMELESS OBTAINS A FIXED**
21 **ADDRESS, THE REGISTRANT SHALL REGISTER WITH THE APPROPRIATE**
22 **SUPERVISING AUTHORITY AND LOCAL LAW ENFORCEMENT UNIT WITHIN 3 DAYS**
23 **AFTER OBTAINING A FIXED ADDRESS.**

24 **(E) [A] WITHIN 3 DAYS OF ANY CHANGE, A registrant [who changes**
25 **residences shall send written notice of the change to the State registry within 5 days**
26 **after the change occurs.] SHALL NOTIFY THE LOCAL LAW ENFORCEMENT UNIT**
27 **WHERE THE REGISTRANT MOST RECENTLY REGISTERED AND THE LOCAL LAW**
28 **ENFORCEMENT UNIT WHERE THE REGISTRANT WILL RESIDE OR HABITUALLY**
29 **LIVE OF CHANGES IN:**

30 **(1) RESIDENCE;**

31 **(2) THE COUNTY IN WHICH THE REGISTRANT HABITUALLY LIVES;**

32 **(3) VEHICLE OR LICENSE PLATE INFORMATION;**

33 **(4) ELECTRONIC MAIL OR INTERNET IDENTIFIERS;**

1 **(5) HOME OR CELL PHONE NUMBERS; OR**

2 **(6) EMPLOYMENT.**

3 **[(e)] (F) (1)** A registrant who commences or terminates enrollment as a
4 full-time or part-time student at an institution of higher education in the State shall
5 **[send written notice to the State registry] PROVIDE NOTICE IN PERSON TO THE**
6 **LOCAL LAW ENFORCEMENT UNIT WHERE THE INSTITUTION OF HIGHER**
7 **EDUCATION IS LOCATED** within **[5] 3** days after the commencement or termination
8 of enrollment.

9 **(2)** A registrant who commences or terminates carrying on
10 employment at an institution of higher education in the State shall **[send written**
11 **notice to the State registry] PROVIDE NOTICE IN PERSON TO THE LOCAL LAW**
12 **ENFORCEMENT UNIT WHERE THE INSTITUTION OF HIGHER EDUCATION IS**
13 **LOCATED** within **[5] 3** days after the commencement or termination of employment.

14 **[(f)] (G)** A registrant who is granted a legal change of name by a court shall
15 send written notice of the change to the **[State registry] LOCAL LAW ENFORCEMENT**
16 **UNIT WHERE THE REGISTRANT RESIDES OR HABITUALLY LIVES** within **[5] 3** days
17 after the change is granted.

18 **(H) A REGISTRANT SHALL NOTIFY THE LOCAL LAW ENFORCEMENT UNIT**
19 **WHERE THE REGISTRANT RESIDES OR HABITUALLY LIVES AT LEAST 3 DAYS**
20 **PRIOR TO LEAVING THE UNITED STATES TO COMMENCE RESIDENCE OR**
21 **EMPLOYMENT OR ATTEND SCHOOL IN A FOREIGN COUNTRY.**

22 **(I) (1) A REGISTRANT SHALL NOTIFY THE LOCAL LAW**
23 **ENFORCEMENT UNIT WHERE THE REGISTRANT RESIDES OR HABITUALLY LIVES**
24 **WHEN THE REGISTRANT OBTAINS A TEMPORARY RESIDENCE OR ALTERS THE**
25 **LOCATION WHERE THE REGISTRANT RESIDES OR HABITUALLY LIVES FOR MORE**
26 **THAN 7 DAYS OR WHEN THE REGISTRANT WILL BE ABSENT FROM THE**
27 **REGISTRANT'S RESIDENCE OR LOCATION WHERE THE REGISTRANT RESIDES OR**
28 **HABITUALLY LIVES FOR MORE THAN 7 DAYS.**

29 **(2) NOTIFICATION UNDER THIS SUBSECTION SHALL:**

30 **(I) BE MADE IN WRITING OR IN PERSON PRIOR TO**
31 **OBTAINING A TEMPORARY RESIDENCE, COMMENCING THE PERIOD OF ABSENCE,**
32 **OR TEMPORARILY ALTERING THE LOCATION WHERE THE REGISTRANT RESIDES**
33 **OR HABITUALLY LIVES;**

1 **(II) INCLUDE THE TEMPORARY ADDRESS OR DETAILED**
2 **DESCRIPTION OF THE TEMPORARY LOCATION WHERE THE REGISTRANT WILL**
3 **RESIDE OR HABITUALLY LIVE; AND**

4 **(III) CONTAIN THE ANTICIPATED DATES THAT THE**
5 **TEMPORARY RESIDENCE OR LOCATION WILL BE USED BY THE REGISTRANT AND**
6 **THE ANTICIPATED DATES THAT THE REGISTRANT WILL BE ABSENT FROM THE**
7 **REGISTRANT'S PERMANENT RESIDENCE OR LOCATION WHERE THE REGISTRANT**
8 **REGULARLY RESIDES OR HABITUALLY LIVES.**

9 11-706.

10 (a) **[A] FOR ALL SEX OFFENDERS IN THE STATE,** A registration statement
11 shall include:

12 (1) the registrant's full name, including any suffix, and address **OR**
13 **PLACE WHERE THE REGISTRANT RESIDES OR HABITUALLY LIVES;**

14 (2) **[(i) for a registrant under § 11-704(a)(7)(i) of this subtitle or**
15 **who is on work release, the registrant's place of employment; or] THE NAME AND**
16 **ADDRESS OF THE REGISTRANT'S EMPLOYER AND A DESCRIPTION OF THE**
17 **LOCATION WHERE THE REGISTRANT PERFORMS EMPLOYMENT DUTIES, IF THAT**
18 **LOCATION DIFFERS FROM THE ADDRESS OF THE EMPLOYER;**

19 **[(ii) for a registrant under § 11-704(a)(7)(ii) of this subtitle, the**
20 **registrant's place of educational institution or school enrollment;]**

21 (3) **[(i) for a registrant enrolled, or expecting to enroll, in an**
22 **institution of higher education in the State as a full-time or part-time student, the**
23 **name and address of the institution of higher education; or**

24 **[(ii) for a registrant who carries on employment, or expects to**
25 **carry on employment, at an institution of higher education in the State, the name and**
26 **address of the institution of higher education] THE NAME OF THE REGISTRANT'S**
27 **EDUCATIONAL INSTITUTION OR PLACE OF SCHOOL ENROLLMENT AND THE**
28 **REGISTRANT'S EDUCATIONAL INSTITUTION OR SCHOOL ADDRESS;**

29 (4) a description of the crime for which the registrant was convicted;

30 (5) the date that the registrant was convicted;

31 (6) the jurisdiction **AND THE NAME OF THE COURT** in which the
32 registrant was convicted;

1 (7) a list of any aliases, former names, **NAMES BY WHICH THE**
2 **REGISTRANT LEGALLY HAS BEEN KNOWN, TRADITIONAL NAMES GIVEN BY**
3 **FAMILY OR CLAN UNDER ETHNIC OR TRIBAL TRADITION,** electronic mail
4 addresses, computer log-in or screen names or identities, instant-messaging
5 identities, and electronic chat room identities that the registrant has used;

6 (8) the registrant's Social Security number **AND ANY PURPORTED**
7 **SOCIAL SECURITY NUMBERS, THE REGISTRANT'S DATE OF BIRTH, OR**
8 **PURPORTED DATES OF BIRTH, AND PLACE OF BIRTH;**

9 (9) [any other name by which the registrant has been legally known]
10 **ANY IDENTIFYING FACTORS, INCLUDING A PHYSICAL DESCRIPTION;**

11 (10) [a copy of the registrant's valid driver's license or identification
12 card;] **A COPY OF THE REGISTRANT'S PASSPORT OR IMMIGRATION PAPERS;**

13 **(11) INFORMATION REGARDING ANY PROFESSIONAL LICENSES**
14 **THE REGISTRANT HOLDS;**

15 ~~[(11)]~~ **(12) the license plate number OR REGISTRATION NUMBER and**
16 **description of any vehicle, INCLUDING ALL MOTOR VEHICLES, BOATS, AND**
17 **AIRCRAFT, owned or regularly operated by the registrant; [and]**

18 **(13) THE PERMANENT OR FREQUENT ADDRESS OR LOCATIONS**
19 **WHERE ALL VEHICLES ARE KEPT;**

20 **(14) TELEPHONE NUMBERS AND ANY OTHER DESIGNATIONS USED**
21 **BY THE SEX OFFENDER FOR THE PURPOSES OF ROUTING OR**
22 **SELF-IDENTIFICATION IN TELEPHONIC COMMUNICATIONS, LANDLINE**
23 **TELEPHONE NUMBERS, AND CELL PHONE NUMBERS;**

24 **(15) A COPY OF THE REGISTRANT'S VALID DRIVER'S LICENSE OR**
25 **IDENTIFICATION CARD;**

26 **(16) THE REGISTRANT'S FINGERPRINTS AND PALM PRINTS;**

27 **(17) THE CRIMINAL HISTORY OF THE SEX OFFENDER, INCLUDING:**
28 **THE DATE OF ALL ARRESTS AND CONVICTIONS, THE STATUS OF PAROLE,**
29 **PROBATION, OR SUPERVISED RELEASE, REGISTRATION STATUS, AND THE**
30 **EXISTENCE OF ANY OUTSTANDING ARREST WARRANTS; AND**

31 ~~[(12)]~~ **(18) the registrant's signature and date signed.**

32 (b) If the registrant is **DETERMINED TO BE** a sexually violent predator, the
33 registration statement shall also include:

1 (1) [identifying factors, including a physical description;
 2 (2)] anticipated future residence, if known at the time of registration;
 3 **AND**
 4 [(3) offense history; and]
 5 [(4)] (2) documentation of treatment received for a mental
 6 abnormality or personality disorder.
 7 11-707.

8 (a) (1) (i) A [child sexual] **TIER I SEX OFFENDER AND A TIER II SEX**
 9 offender shall register in person every 6 months with a local law enforcement unit for
 10 the term provided under paragraph (4) of this subsection.

11 (ii) Registration shall include a [photograph] **DIGITAL IMAGE**
 12 that shall be updated every 6 months.

13 (2) (i) [An offender and a sexually violent] **A TIER III SEX**
 14 offender shall register in person every [6] **3** months with a local law enforcement unit
 15 for the term provided under paragraph (4) of this subsection.

16 (ii) Registration shall include a [photograph] **DIGITAL IMAGE**
 17 that shall be updated every 6 months.

18 (3) (i) A sexually violent predator shall register in person every 3
 19 months **WITH A LOCAL LAW ENFORCEMENT UNIT** for the term provided under
 20 paragraph [(4)(ii)] **(4)** of this subsection.

21 (ii) Registration shall include a [photograph] **DIGITAL IMAGE**
 22 that shall be updated every 6 months.

23 (4) [The] **SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE**
 24 term of registration is:

25 (i) [except as provided in items (ii) and (iii) of this paragraph,
 26 10 years] **15 YEARS, IF THE REGISTRANT IS A TIER I SEX OFFENDER;**

27 **(II) 25 YEARS, IF THE REGISTRANT IS A TIER II SEX**
 28 **OFFENDER; OR**

29 [(ii)] **(III)** [except as provided in item (iii) of this paragraph,] the
 30 life of the registrant, if[:

- 1 1. the registrant is a sexually violent predator;
- 2 2. the registrant has been convicted of a sexually violent
3 offense;
- 4 3. the registrant has been convicted of a violation of
5 § 3-602 of the Criminal Law Article for commission of a sexual act involving
6 penetration of a child under the age of 12 years; or
- 7 4. the registrant has been convicted of a prior crime as a
8 child sexual offender, an offender, or a sexually violent offender; or] **THE**
9 **REGISTRANT IS A TIER III SEX OFFENDER.**

10 [(iii) up to 5 years, if the registrant is a person described under §
11 11-701(c)(5)(i) of this subtitle or a person described under § 11-701(j)(3)(i) of this
12 subtitle, subject to reduction by the juvenile court on the filing of a petition by the
13 registrant for a reduction in the term of registration.]

14 (5) A registrant who is not a resident of the State shall register for the
15 appropriate time specified in this subsection or until the registrant's employment,
16 student enrollment, or transient status in the State ends.

17 (b) A term of registration described in this section shall be computed from:

18 (1) the last date of release;

19 (2) the date granted probation; **OR**

20 (3) the date granted a suspended sentence[; or

21 (4) the date the juvenile court's jurisdiction over the registrant
22 terminates under § 3-8A-07 of the Courts Article if the registrant was a minor who
23 lived in the State at the time the act was committed for which registration is
24 required].

25 **(C) (1) THE TERM OF REGISTRATION FOR A TIER I SEX OFFENDER**
26 **SHALL BE REDUCED TO 10 YEARS IF, IN THE 10 YEARS FOLLOWING THE DATE ON**
27 **WHICH THE REGISTRANT WAS REQUIRED TO REGISTER, THE REGISTRANT:**

28 **(I) IS NOT CONVICTED OF ANY OFFENSE FOR WHICH A**
29 **TERM OF IMPRISONMENT OF MORE THAN 1 YEAR MAY BE IMPOSED;**

30 **(II) IS NOT CONVICTED OF ANY SEX OFFENSE;**

31 **(III) SUCCESSFULLY COMPLETES, WITHOUT REVOCATION,**
32 **ANY PERIOD OF SUPERVISED RELEASE, PAROLE, OR PROBATION; AND**

1 (IV) SUCCESSFULLY COMPLETES AN APPROPRIATE SEX
2 OFFENDER TREATMENT PROGRAM CERTIFIED BY THE STATE.

3 (2) THE TERM OF REGISTRATION FOR A REGISTRANT CONVICTED
4 OF A TIER III SEX OFFENSE, WHO WAS REQUIRED TO REGISTER ON THE BASIS
5 OF A JUVENILE ADJUDICATION, SHALL BE REDUCED TO 25 YEARS IF, IN THE 25
6 YEARS FOLLOWING THE DATE ON WHICH THE REGISTRANT WAS REQUIRED TO
7 REGISTER, THE REGISTRANT:

8 (I) IS NOT CONVICTED OF ANY OFFENSE FOR WHICH A
9 TERM OF IMPRISONMENT OF MORE THAN 1 YEAR MAY BE IMPOSED;

10 (II) IS NOT CONVICTED OF ANY SEX OFFENSE;

11 (III) SUCCESSFULLY COMPLETES, WITHOUT REVOCATION,
12 ANY PERIOD OF SUPERVISED RELEASE, PAROLE, OR PROBATION; AND

13 (IV) SUCCESSFULLY COMPLETES AN APPROPRIATE SEX
14 OFFENDER TREATMENT PROGRAM CERTIFIED BY THE STATE.

15 11-708.

16 (a) When a registrant registers, the supervising authority shall:

17 (1) give written notice to the registrant of the requirements of this
18 subtitle;

19 (2) explain the requirements of this subtitle to the registrant,
20 including:

21 (i) the duties of a registrant when the registrant changes
22 residence address in this State OR CHANGES THE COUNTY IN WHICH THE
23 REGISTRANT HABITUALLY LIVES;

24 (ii) the duties of a registrant under [§ 11-705(e) and (f)]
25 § 11-705 of this subtitle;

26 (iii) the requirement for a [child sexual] SEX offender to register
27 in person with the local law enforcement unit of the county where the [child sexual]
28 SEX offender will reside or where the [child sexual] SEX offender who is not a resident
29 of this State is a transient or will work or attend school; and

30 (iv) the requirement that if the registrant changes residence
31 address, employment, or school enrollment to another state that has a registration

1 requirement, the registrant shall register with the designated law enforcement unit
2 **OR SEX OFFENDER REGISTRATION UNIT** of that state within [7] **3** days after the
3 change; and

4 (3) obtain a statement signed by the registrant acknowledging that
5 the supervising authority explained the requirements of this subtitle and gave written
6 notice of the requirements to the registrant.

7 (b) (1) The supervising authority shall obtain an updated [photograph
8 and fingerprints] **DIGITAL IMAGE, FINGERPRINTS, AND PALM PRINTS** of the
9 registrant and [attach] **FORWARD** the updated [photograph and fingerprints]
10 **DIGITAL IMAGE, FINGERPRINTS, AND PALM PRINTS** to the [registration statement]
11 **DEPARTMENT**.

12 (2) For a registrant who has not submitted a DNA sample, as defined
13 in § 2–501 of the Public Safety Article, for inclusion in the statewide DNA database
14 system of the Department of State Police Crime Laboratory, the supervising authority
15 shall:

16 (i) obtain a DNA sample from the registrant at the registrant's
17 initial registration; and

18 (ii) provide the sample to the statewide DNA database system of
19 the Department of State Police Crime Laboratory.

20 [(3) This subsection does not apply if the registrant is required to
21 register under § 11–704 of this subtitle solely as a result of a misdemeanor conviction.]

22 (c) (1) Within [5] **3** days after obtaining a registration statement, the
23 supervising authority shall send a copy of the registration statement with the attached
24 fingerprints [and updated photograph], **PALM PRINTS, AND UPDATED DIGITAL**
25 **IMAGE** of the registrant to the local law enforcement unit in the county where the
26 registrant will reside **OR HABITUALLY LIVE** or where a registrant who is not a
27 resident is a transient or will work or attend school.

28 (2) (i) If the registrant is enrolled in or carries on employment at,
29 or is expecting to enroll in or carry on employment at, an institution of higher
30 education in the State, within [5] **3** days after obtaining a registration statement, the
31 supervising authority shall send a copy of the registration statement with the attached
32 fingerprints [and updated photograph], **PALM PRINTS, AND UPDATED DIGITAL**
33 **IMAGE** of the registrant to the campus police agency of the institution of higher
34 education.

35 (ii) If an institution of higher education does not have a campus
36 police agency, the copy of the registration statement with the attached fingerprints
37 [and updated photograph], **PALM PRINTS, AND UPDATED DIGITAL IMAGE** of the

1 registrant shall be provided to the local law enforcement agency having primary
2 jurisdiction for the campus.

3 (d) As soon as possible but not later than **[5] 3** working days after the
4 registration is complete, a supervising authority that is not a unit of the Department
5 shall send the registration statement to the Department.

6 11-709.

7 (a) (1) (i) **[Every 3 months within 5] WITHIN 3** days after a **TIER III**
8 **SEX OFFENDER OR A** sexually violent predator completes the registration
9 requirements of § 11-707(a) of this subtitle, a local law enforcement unit shall send
10 notice of the **TIER III SEX OFFENDER'S OR** sexually violent predator's quarterly
11 registration to the Department.

12 (ii) Every 6 months within **[5] 3** days after a **[child sexual**
13 **offender] TIER I SEX OFFENDER OR A TIER II SEX OFFENDER** completes the
14 registration requirements of § 11-707(a) of this subtitle, a local law enforcement unit
15 shall send notice of the **[child sexual offender's] TIER I SEX OFFENDER'S OR A TIER**
16 **II SEX OFFENDER'S** biannual registration to the Department.

17 (2) Every 6 months, a local law enforcement unit shall send a **[child**
18 **sexual] TIER III SEX** offender's and sexually violent predator's updated **[photograph]**
19 **DIGITAL IMAGE** to the Department within 6 days after the **[photograph] DIGITAL**
20 **IMAGE** is submitted.

21 (b) (1) As soon as possible but not later than **[5] 3** working days after
22 receiving a registration statement of a **[child sexual offender or] SEX OFFENDER,**
23 notice of a change of address of a **[child sexual] SEX** offender, **OR CHANGE IN THE**
24 **COUNTY IN WHICH A HOMELESS SEX OFFENDER HABITUALLY LIVES,** a local law
25 enforcement unit shall send written notice of the registration statement **[or],** change
26 of address, **OR CHANGE OF COUNTY** to the county superintendent, as defined in
27 § 1-101 of the Education Article, and all nonpublic primary and secondary schools in
28 the county within 1 mile of where the **[child sexual] SEX** offender is to reside **OR**
29 **HABITUALLY LIVE** or where a **[child sexual] SEX** offender who is not a resident of the
30 State is a transient or will work or attend school.

31 (2) As soon as possible but not later than 10 working days after
32 receiving notice from the local law enforcement unit under paragraph (1) of this
33 subsection, the county superintendent shall send written notice of the registration
34 statement to principals of the schools under the superintendent's supervision that the
35 superintendent considers necessary to protect the students of a school from a **[child**
36 **sexual] SEX** offender.

1 (c) A local law enforcement unit that receives a notice from a supervising
2 authority under this subtitle shall send a copy of the notice to the police department, if
3 any, of a municipal corporation if the registrant:

4 (1) is to reside **OR HABITUALLY LIVE** in the municipal corporation
5 after release;

6 (2) escapes from a facility but resided **OR HABITUALLY LIVED** in the
7 municipal corporation before being committed to the custody of a supervising
8 authority; or

9 (3) is to change addresses to another place of residence within the
10 municipal corporation.

11 (d) As soon as possible but not later than **[5] 3** working days after receiving
12 notice from a local law enforcement unit under this section, a police department of a
13 municipal corporation shall send a copy of the notice to the commander of the local
14 police precinct or district in which the **[child sexual] SEX** offender is to reside **OR**
15 **HABITUALLY LIVE** or where a **[child sexual] SEX** offender who is not a resident of the
16 State will work or attend school.

17 (e) As soon as possible but not later than **[5] 3** working days after receiving a
18 notice from a supervising authority under this subtitle, a local law enforcement unit
19 shall send a copy of the notice to the commander of the law enforcement unit in the
20 district or area in which the **[child sexual] SEX** offender is to reside **OR HABITUALLY**
21 **LIVE** or where a **[child sexual] SEX** offender who is not a resident of the State will
22 work or attend school.

23 (f) A local law enforcement unit may notify the following entities that are
24 located within the community in which a **[child sexual] SEX** offender is to reside **OR**
25 **HABITUALLY LIVE** or where a **[child sexual] SEX** offender who is not a resident of the
26 State will work or attend school of the filing of a registration statement or notice of
27 change of address **OR COUNTY WHERE THE REGISTRANT WILL HABITUALLY LIVE**
28 by the **[child sexual] SEX** offender:

29 (1) family day care homes or child care centers registered **[or**
30 **licensed], LICENSED, OR ISSUED A LETTER OF COMPLIANCE** under Title 5, Subtitle
31 5 of the Family Law Article;

32 (2) child recreation facilities;

33 (3) faith institutions; and

34 (4) other organizations that serve children and other individuals
35 vulnerable to **[child sexual] SEX** offenders **WHO VICTIMIZE CHILDREN**.

1 **(G) AS SOON AS POSSIBLE, BUT NOT LATER THAN 3 WORKING DAYS**
2 **AFTER RECEIPT OF A REGISTRANT'S CHANGE OF RESIDENCE OR CHANGE IN THE**
3 **COUNTY IN WHICH THE REGISTRANT HABITUALLY LIVES, THE LOCAL LAW**
4 **ENFORCEMENT UNIT SHALL NOTIFY THE DEPARTMENT OF THE CHANGE.**

5 **(H) AS SOON AS POSSIBLE, BUT NOT LATER THAN 3 WORKING DAYS**
6 **AFTER RECEIPT OF NOTICE UNDER § 11-705(E) OF THIS SUBTITLE, THE LOCAL**
7 **LAW ENFORCEMENT UNIT SHALL GIVE NOTICE TO THE DEPARTMENT OF THE**
8 **REGISTRANT'S INTENT TO CHANGE RESIDENCE, THE COUNTY IN WHICH THE**
9 **REGISTRANT HABITUALLY LIVES, VEHICLE OR LICENSE PLATE INFORMATION,**
10 **ELECTRONIC MAIL OR INTERNET IDENTIFIERS, OR HOME OR CELL PHONE**
11 **NUMBERS.**

12 **(I) AS SOON AS POSSIBLE, BUT NOT LATER THAN 3 WORKING DAYS**
13 **AFTER RECEIPT OF NOTICE UNDER § 11-705(G) OF THIS SUBTITLE, THE LOCAL**
14 **LAW ENFORCEMENT UNIT SHALL GIVE NOTICE TO THE DEPARTMENT OF THE**
15 **CHANGE OF NAME.**

16 **(J) AS SOON AS POSSIBLE, BUT NOT LATER THAN 3 WORKING DAYS**
17 **AFTER RECEIPT OF NOTICE UNDER § 11-705(H) OF THIS SUBTITLE, THE LOCAL**
18 **LAW ENFORCEMENT UNIT SHALL GIVE NOTICE TO THE DEPARTMENT OF THE**
19 **REGISTRANT'S INTENT TO LEAVE THE UNITED STATES.**

20 **(K) AS SOON AS POSSIBLE, BUT NOT LATER THAN 3 WORKING DAYS**
21 **AFTER RECEIPT OF NOTICE UNDER § 11-705(I) OF THIS SUBTITLE, THE LOCAL**
22 **LAW ENFORCEMENT UNIT SHALL GIVE NOTICE TO THE DEPARTMENT OF THE**
23 **REGISTRANT'S INTENT TO OBTAIN TEMPORARY LODGING OR TO BE ABSENT**
24 **FROM THE REGISTRANT'S PERMANENT RESIDENCE OR LOCATION WHERE THE**
25 **REGISTRANT HABITUALLY LIVES.**

26 11-710.

27 (a) As soon as possible but not later than [5] 3 working days after receipt of
28 notice of a registrant's change of address, **THE COUNTY IN WHICH THE REGISTRANT**
29 **HABITUALLY LIVES, VEHICLE OR LICENSE PLATE INFORMATION, ELECTRONIC**
30 **MAIL OR INTERNET IDENTIFIERS, OR HOME OR CELL PHONE NUMBERS,** the
31 Department shall give notice of the change:

32 (1) if the registration is premised on a conviction under federal,
33 military, or Native American tribal law, to the designated federal unit; [and]

34 (2) **TO ANY OTHER JURISDICTION OR FOREIGN COUNTRY WHERE**
35 **THE SEX OFFENDER IS REQUIRED TO REGISTER; AND**

1 **(3)** (i) to the local law enforcement unit in whose county the new
2 residence is located **OR WHERE THE REGISTRANT INTENDS TO HABITUALLY LIVE;**
3 or

4 (ii) if the new residence **OR LOCATION WHERE THE**
5 **REGISTRANT WILL HABITUALLY LIVE** is in a different state that has a registration
6 requirement, to the designated law enforcement unit **OR SEX OFFENDER**
7 **REGISTRATION UNIT** in that state.

8 (b) (1) (i) As soon as possible but not later than **[5] 3** working days
9 after receipt of notice under **[§ 11-705(e)] § 11-705(F)** of this subtitle, the
10 Department shall give notice to the campus police agency of the institution of higher
11 education where the registrant is commencing or terminating enrollment or
12 employment.

13 (ii) If an institution of higher education does not have a campus
14 police agency, the notice required under this section shall be provided to the local law
15 enforcement **[agency] UNIT** having primary **[jurisdiction] LAW ENFORCEMENT**
16 **AUTHORITY** for the campus.

17 (2) Institutions of higher education currently required to disclose
18 campus security policy and campus crime statistics data shall advise the campus
19 community where law enforcement agency information provided by a state concerning
20 registered sex offenders may be obtained.

21 (3) An institution of higher education is not prohibited from disclosing
22 information provided to the institution under this subtitle concerning registered sex
23 offenders.

24 (c) As soon as possible but not later than **[5] 3** working days after receipt of
25 notice under **[§ 11-705(f)] § 11-705(G)** of this subtitle, the Department shall give
26 notice of the change of name:

27 (1) if the registration is due to a conviction under federal, military, or
28 Native American tribal law, to the designated federal unit;

29 (2) to the local law enforcement unit in whose county the registrant
30 resides **OR HABITUALLY LIVES** or where a registrant who is not a resident of the
31 State will work or attend school; and

32 (3) if the registrant is enrolled in or employed at an institution of
33 higher education in the State, to:

34 (i) the campus police agency of the institution of higher
35 education; or

1 (ii) if the institution does not have a campus police agency, the
2 local law enforcement [agency] UNIT having primary jurisdiction for the campus.

3 11-712.

4 (a) If a registrant escapes from a facility, the supervising authority of the
5 facility by the most reasonable and expedient means available shall immediately
6 notify:

7 (1) the local law enforcement unit [in the jurisdiction] where the
8 registrant resided **OR HABITUALLY LIVED** before the registrant was committed to the
9 custody of the supervising authority; and

10 (2) each person who is entitled to receive notice under § 11-715(a) of
11 this subtitle.

12 (b) If the registrant is recaptured, the supervising authority shall send
13 notice, as soon as possible but not later than 2 working days after the supervising
14 authority learns of the recapture, to:

15 (1) the local law enforcement unit [in the jurisdiction] where the
16 registrant resided **OR HABITUALLY LIVED** before the registrant was committed to the
17 custody of the supervising authority; and

18 (2) each person who is entitled to receive notice under § 11-715(a) of
19 this subtitle.

20 11-713.

21 The Department:

22 (1) as soon as possible but not later than [5] **3** working days after
23 receiving the conviction data and fingerprints of a registrant, shall transmit the data
24 and fingerprints to the Federal Bureau of Investigation if the Bureau does not have
25 that information;

26 (2) shall keep a central registry of registrants;

27 (3) shall reimburse local law enforcement units for the cost of
28 processing the registration statements of registrants, including the cost of taking
29 fingerprints [and photographs], **PALM PRINTS, AND DIGITAL IMAGES**; [and]

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

1 **(5) SHALL BE RESPONSIBLE FOR RECEIVING AND DISTRIBUTING**
2 **ALL INTRASTATE, FEDERAL, AND FOREIGN GOVERNMENT COMMUNICATIONS**
3 **RELATING TO THE REGISTRATION OF SEX OFFENDERS; AND**

4 **(6) SHALL NOTIFY ALL JURISDICTIONS WHERE THE REGISTRANT**
5 **WILL RESIDE, CARRY ON EMPLOYMENT, OR ATTEND SCHOOL WITHIN 3 DAYS OF**
6 **CHANGES IN THE REGISTRANT'S REGISTRATION.**

7 11-714.

8 A registration statement given to a person under this subtitle shall include a
9 copy of the completed registration form and a copy of the registrant's [photograph]
10 **DIGITAL IMAGE**, but need not include the fingerprints **OR PALM PRINTS** of the
11 registrant.

12 11-717.

13 (a) (1) The Department shall make available to the public registration
14 statements or information about registration statements.

15 (2) Information about registration statements shall include, in plain
16 language that can be understood without special knowledge of the criminal laws of the
17 State, a description of the crime of the offender that is the basis for the registration,
18 excluding details that would identify the victim.

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

24 (b) The Department may post on the Internet a current listing of each
25 registrant's name, crime, and other identifying information.

26 (c) The Department, through an Internet posting of current registrants,
27 shall allow the public to electronically transmit information the public may have about
28 a registrant to the Department, a parole agent of a registrant, and the local law
29 enforcement unit where a registrant resides **OR HABITUALLY LIVES** or where a
30 registrant who is not a resident of the State will work or attend school.

31 (d) The Department shall allow members of the public who live in the county
32 in which the registrant is to reside **OR HABITUALLY LIVES** or where the registrant, if
33 not a resident of the State, will work or attend school, by request, to receive electronic
34 mail notification of the release from incarceration of a registered offender and the
35 registration information of the offender.

1 (e) The Department shall establish regulations to carry out this section.

2 11-718.

3 (a) (1) If the Department or a local law enforcement unit finds that, to
4 protect the public from a specific registrant, it is necessary to give notice of a
5 registration statement [or], a change of address of the registrant, **OR A CHANGE IN**
6 **THE COUNTY IN WHICH THE REGISTRANT HABITUALLY RESIDES** to a particular
7 person not otherwise identified under § 11-709 of this subtitle, then the Department
8 or a local law enforcement unit shall give notice of the registration statement to that
9 person.

10 (2) This notice is in addition to the notice required under
11 § 11-709(b)(1) of this subtitle.

12 11-721.

13 (a) A registrant may not knowingly fail to register, knowingly fail to provide
14 the [written] notice required under § [11-705(d), (e), or (f)] **11-705** of this subtitle, or
15 knowingly provide false information of a material fact as required by this subtitle.

16 (b) A person who violates this section:

17 (1) for a first offense, is guilty of a misdemeanor and on conviction is
18 subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both;
19 and

20 (2) for a second or subsequent offense, is guilty of a felony and on
21 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding
22 \$10,000 or both.

23 (c) A person who violates this section is subject to § 5-106(b) of the Courts
24 Article.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2010.