

# SENATE BILL 1172

E2  
HB 1523/18 – JUD

4lr3493

---

By: **Senators Muse and Jackson**

Introduced and read first time: February 15, 2024

Assigned to: Rules

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Domestic Violence Offender Registry**

3 FOR the purpose of requiring the Department of Public Safety and Correctional Services  
4 to establish and maintain the Domestic Violence Offender Registry; requiring a  
5 certain person convicted a certain number of times of a domestically related crime to  
6 register with a certain county sheriff; requiring the county sheriff to forward certain  
7 registration information to the Department; requiring Registry information to be  
8 made public in a certain manner; establishing a procedure by which a person may  
9 obtain an order exempting the person from a certain registration requirement; and  
10 generally relating to the establishment of a domestic violence offender registry.

11 BY repealing and reenacting, without amendments,  
12 Article – Criminal Procedure  
13 Section 6–233(a)  
14 Annotated Code of Maryland  
15 (2018 Replacement Volume and 2023 Supplement)

16 BY adding to  
17 Article – Criminal Procedure  
18 Section 11–1201 through 11–1208 to be under the new subtitle “Subtitle 12.  
19 Domestic Violence Offender Registry”  
20 Annotated Code of Maryland  
21 (2018 Replacement Volume and 2023 Supplement)

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

24 **Article – Criminal Procedure**

25 6–233.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this section, “domestically related crime” means a crime committed by a  
2 defendant against a victim who is a person eligible for relief, as defined in § 4–501 of the  
3 Family Law Article, or who had a sexual relationship with the defendant within 12 months  
4 before the commission of the crime.

5 **SUBTITLE 12. DOMESTIC VIOLENCE OFFENDER REGISTRY.**

6 **11–1201.**

7 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
8 INDICATED.

9 (B) “DOMESTICALLY RELATED CRIME” HAS THE MEANING STATED IN §  
10 6–233 OF THIS ARTICLE.

11 (C) “REGISTRANT” MEANS A PERSON REQUIRED TO REGISTER UNDER §  
12 11–1204 OF THIS SUBTITLE.

13 (D) “REGISTRY” MEANS THE DOMESTIC VIOLENCE OFFENDER REGISTRY  
14 ESTABLISHED UNDER § 11–1203 OF THIS SUBTITLE.

15 (E) “RELEASE” HAS THE MEANING STATED IN § 11–701 OF THIS TITLE.

16 **11–1202.**

17 FOR THE PURPOSES OF THIS SUBTITLE, A PERSON IS CONVICTED WHEN THE  
18 PERSON:

19 (1) IS FOUND GUILTY OF A CRIME BY A JURY OR JUDICIAL OFFICER;  
20 OR

21 (2) ENTERS A PLEA OF GUILTY OR NOLO CONTENDERE.

22 **11–1203.**

23 (A) THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN A CENTRAL  
24 COMPUTERIZED REGISTRY OF ALL PERSONS WHO ARE REQUIRED TO REGISTER IN  
25 ACCORDANCE WITH § 11–1204 OF THIS SUBTITLE, TO BE KNOWN AS THE DOMESTIC  
26 VIOLENCE OFFENDER REGISTRY.

27 (B) THE REGISTRY SHALL BE UPDATED BASED ON INFORMATION MADE  
28 AVAILABLE TO THE DEPARTMENT, INCLUDING INFORMATION ACQUIRED IN  
29 ACCORDANCE WITH THE REGISTRATION PROVISIONS OF §§ 11–1204 AND 11–1205  
30 OF THIS SUBTITLE.

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

2 (1) THE REGISTRANT'S NAME;

3 (2) THE REGISTRANT'S RESIDENTIAL ADDRESS;

4 (3) THE DATE AND A DESCRIPTION OF THE CRIMES FOR WHICH  
5 REGISTRATION IS REQUIRED; AND

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

8 11-1204.

9 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON  
10 CONVICTED THREE OR MORE TIMES OF A DOMESTICALLY RELATED CRIME SHALL  
11 REGISTER WITH THE COUNTY SHERIFF FOR THE COUNTY IN WHICH THE PERSON  
12 RESIDES ON OR BEFORE THE DATE THAT 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  
17 IMPRISONMENT.

18 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PERSON IS NO  
19 LONGER SUBJECT TO REGISTRATION UNDER THIS SUBTITLE IF:

20 (1) ALL UNDERLYING CONVICTIONS REQUIRING REGISTRATION ARE  
21 REVERSED, VACATED, OR SET ASIDE;

22 (2) THE REGISTRANT IS PARDONED FOR ALL UNDERLYING  
23 CONVICTIONS; OR

24 (3) SUBJECT TO § 11-1207 OF THIS SUBTITLE, THE CIRCUIT COURT IN  
25 THE COUNTY IN WHICH THE PERSON RESIDES ENTERS AN ORDER EXEMPTING THE  
26 PERSON FROM THE REGISTRATION REQUIREMENTS OF THIS SUBTITLE.

27 11-1205.

1 (A) A REGISTRANT SHALL PROVIDE THE COUNTY SHERIFF WITH THE  
2 FOLLOWING INFORMATION:

3 (1) THE REGISTRANT'S LEGAL NAME;

4 (2) THE REGISTRANT'S CURRENT ADDRESS OR LOCATION;

5 (3) THE CRIMES FOR WHICH THE REGISTRANT WAS CONVICTED; AND

6 (4) THE DATES AND LOCATIONS OF THE CRIMES.

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

9 (C) A REGISTRANT SHALL UPDATE THE REGISTRANT'S REGISTRATION  
10 INFORMATION:

11 (1) ANNUALLY; AND

12 (2) TO REFLECT ANY CHANGE IN ADDRESS WITHIN 10 DAYS OF THE  
13 CHANGE.

14 (D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
15 REGISTRATION UNDER THIS SUBTITLE SHALL REMAIN IN EFFECT FOR A PERIOD OF  
16 15 YEARS FOLLOWING EITHER THE DATE OF THE LATEST CONVICTION OR THE DATE  
17 OF RELEASE FROM THE LATEST PERIOD OF INCARCERATION, WHICHEVER IS LATER.

18 (2) THE PERIOD DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION  
19 SHALL BE EXTENDED AN ADDITIONAL 20 YEARS FOR EACH CONVICTION FOR A  
20 DOMESTICALLY RELATED CRIME THAT OCCURS AFTER THE INITIAL REGISTRATION.

21 (E) THE COUNTY SHERIFF SHALL FORWARD ALL REGISTRATION  
22 INFORMATION TO THE DEPARTMENT.

23 11-1206.

24 INFORMATION CONTAINED IN THE DOMESTIC VIOLENCE OFFENDER  
25 REGISTRY SHALL BE MADE AVAILABLE TO THE PUBLIC THROUGH THE INTERNET,  
26 BY TELEPHONE, BY WRITTEN ACCESS, AND IN PERSON.

27 11-1207.

1           **(A) A PERSON WHO WOULD OTHERWISE BE REQUIRED TO REGISTER UNDER**  
2 **§ 11-1204 OF THIS SUBTITLE MAY PETITION THE CIRCUIT COURT IN THE COUNTY IN**  
3 **WHICH THE PERSON RESIDES FOR AN ORDER EXEMPTING THE PERSON FROM THE**  
4 **REGISTRATION REQUIREMENTS OF THIS SUBTITLE.**

5           **(B) (1) (I) THE CIRCUIT COURT MAY ENTER AN ORDER EXEMPTING A**  
6 **PERSON FROM THE REGISTRATION REQUIREMENTS OF THIS SUBTITLE IF THE**  
7 **COURT FINDS THAT:**

8                           **1. THE CIRCUMSTANCES OF EACH OF THE**  
9 **DOMESTICALLY RELATED CRIMES, IN CONJUNCTION WITH THE PERSON'S CRIMINAL**  
10 **HISTORY, DO NOT INDICATE A RISK THAT THE PERSON WILL COMMIT ANOTHER**  
11 **DOMESTICALLY RELATED CRIME; AND**

12                           **2. THE PERSON IS NOT A DANGER TO OTHERS.**

13                           **(II) THE CIRCUIT COURT SHALL SPECIFY IN WRITING THE**  
14 **REASONS FOR ITS FINDINGS.**

15           **(2) ON MAKING THE FINDINGS DESCRIBED IN PARAGRAPH (1) OF**  
16 **THIS SUBSECTION, THE CIRCUIT COURT SHALL ENTER AN ORDER EXEMPTING THE**  
17 **PERSON FROM THE REGISTRATION REQUIREMENTS OF THIS SUBTITLE AND**  
18 **ORDERING THE DEPARTMENT TO REMOVE THE PERSON'S REGISTRATION**  
19 **INFORMATION FROM THE REGISTRY.**

20 **11-1208.**

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

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

24                           **(2) FAIL TO PROVIDE ACCURATE INFORMATION WHEN REGISTERING**  
25 **UNDER § 11-1204 OF THIS SUBTITLE.**

26           **(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR**  
27 **AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$2,000.**

28           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2024.