

# SENATE BILL 434

E2, E4

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By: **Senators Stone, Jacobs, Kasemeyer, Klausmeier, and Mooney**

Introduced and read first time: February 1, 2010

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Sexual Offenders – Restrictions on Places of Residence and Entry onto**  
3 **Recreational Areas**

4 FOR the purpose of prohibiting a person who is required to register on a certain sexual  
5 offender registry for a term of life from residing, after a certain date, within a  
6 certain distance of a public or nonpublic elementary or secondary school or a  
7 park or playground where children regularly gather; prohibiting a person who is  
8 required to register on a certain sexual offender registry from entering a park,  
9 playground, or recreational area where children regularly gather; establishing a  
10 certain penalty; providing for the retroactive application of this Act; and  
11 generally relating to restrictions on registered offenders.

12 BY repealing and reenacting, without amendments,  
13 Article – Criminal Procedure  
14 Section 11–707 and 11–722(d)  
15 Annotated Code of Maryland  
16 (2008 Replacement Volume and 2009 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article – Criminal Procedure  
19 Section 11–722(b)  
20 Annotated Code of Maryland  
21 (2008 Replacement Volume and 2009 Supplement)

22 BY adding to  
23 Article – Criminal Procedure  
24 Section 11–728  
25 Annotated Code of Maryland  
26 (2008 Replacement Volume and 2009 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Criminal Procedure**

4 11–707.

5 (a) (1) (i) A child sexual offender shall register in person every 6  
6 months with a local law enforcement unit for the term provided under paragraph (4) of  
7 this subsection.

8 (ii) Registration shall include a photograph that shall be  
9 updated every 6 months.

10 (2) (i) An offender and a sexually violent offender shall register in  
11 person every 6 months with a local law enforcement unit for the term provided under  
12 paragraph (4) of this subsection.

13 (ii) Registration shall include a photograph that shall be  
14 updated every 6 months.

15 (3) (i) A sexually violent predator shall register in person every 3  
16 months for the term provided under paragraph (4)(ii) of this subsection.

17 (ii) Registration shall include a photograph that shall be  
18 updated every 6 months.

19 (4) The term of registration is:

20 (i) except as provided in items (ii) and (iii) of this paragraph, 10  
21 years;

22 (ii) except as provided in item (iii) of this paragraph, the life of  
23 the registrant, if:

24 1. the registrant is a sexually violent predator;

25 2. the registrant has been convicted of a sexually violent  
26 offense;

27 3. the registrant has been convicted of a violation of §  
28 3–602 of the Criminal Law Article for commission of a sexual act involving penetration  
29 of a child under the age of 12 years; or

30 4. the registrant has been convicted of a prior crime as a  
31 child sexual offender, an offender, or a sexually violent offender; or

1 (iii) up to 5 years, if the registrant is a person described under §  
2 11-701(c)(5)(i) of this subtitle or a person described under § 11-701(j)(3)(i) of this  
3 subtitle, subject to reduction by the juvenile court on the filing of a petition by the  
4 registrant for a reduction in the term of registration.

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

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

9 (1) the last date of release;

10 (2) the date granted probation;

11 (3) the date granted a suspended sentence; or

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

15 11-722.

16 (b) A registrant may not knowingly enter onto real property:

17 (1) that is used for public or nonpublic elementary or secondary  
18 education; [or]

19 (2) on which is located:

20 (i) a family day care home registered under Title 5, Subtitle 5 of  
21 the Family Law Article; or

22 (ii) a child care home or a child care institution licensed under  
23 Title 5, Subtitle 5 of the Family Law Article; **OR**

24 **(3) THAT IS A PARK, PLAYGROUND, OR RECREATIONAL AREA**  
25 **WHERE CHILDREN REGULARLY GATHER.**

26 (d) A person who violates this section is guilty of a misdemeanor and on  
27 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding  
28 \$5,000 or both.

29 11-728.

30 **(A) A PERSON REQUIRED TO REGISTER FOR A TERM OF LIFE UNDER §**  
31 **11-707 OF THIS SUBTITLE MAY NOT RESIDE WITHIN 2,000 FEET OF:**

1                   **(1) A PUBLIC OR NONPUBLIC ELEMENTARY OR SECONDARY**  
2 **SCHOOL; OR**

3                   **(2) A PARK, PLAYGROUND, OR RECREATIONAL AREA WHERE**  
4 **CHILDREN REGULARLY GATHER.**

5                   **(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY**  
6 **AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS**  
7 **OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

8                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
9 construed to apply retroactively to any person who was required to register under §  
10 11-704 of the Criminal Procedure Article on or before October 1, 2010.

11                   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2010.