

HOUSE BILL 1020

E4

11r2239

By: **Delegates Valderrama and Vallario**

Introduced and read first time: February 11, 2011

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Sex Offender Registry**

3 FOR the purpose of altering a certain retroactive applicability of certain provisions of
4 law so as to include a person who is convicted of any felony rather than any
5 crime on or after a certain date under certain circumstances; renaming a certain
6 listing to be a certain registry; altering the predicate offenses and minimum age
7 for inclusion on a certain registry of juvenile sex offenders; altering the term of
8 registration on a certain registry of juvenile sex offenders; providing for a
9 reduction in the term of registration for certain juvenile registrants under
10 certain circumstances; requiring certain juvenile registrants to appear at a
11 certain location at certain times to provide certain information and to allow the
12 Department of Public Safety and Correctional Services to take a digital image of
13 the juvenile registrant; requiring the Department of Public Safety and
14 Correctional Services in conjunction with the Department of Juvenile Services
15 to adopt certain regulations; defining a certain term; making a clarifying
16 change; and generally relating to sex offender registration.

17 BY repealing and reenacting, with amendments,
18 Article – Criminal Procedure
19 Section 11–701(p)(1), 11–702.1, and 11–704.1
20 Annotated Code of Maryland
21 (2008 Replacement Volume and 2010 Supplement)

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

24 **Article – Criminal Procedure**
25 11–701.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) conspiring to commit, attempting to commit, or committing a
2 violation of § 3-307(a)(4) or (5) [of the Criminal Law Article, or], § 3-324, § 11-207, or
3 § 11-209 of the Criminal Law Article[, if the victim is a minor];

4 11-702.1.

5 (a) Notwithstanding any other provision of law to the contrary, this subtitle
6 shall be applied retroactively to include a person who:

7 (1) is under the custody or supervision of a supervising authority on
8 October 1, 2010;

9 (2) was subject to registration under this subtitle on September 30,
10 2010; or

11 (3) is convicted of any [crime] **FELONY** on or after October 1, 2010,
12 and has a prior conviction for an offense for which registration as a sex offender is
13 required under this subtitle.

14 (b) The term of registration for a sex offender registered under subsection (a)
15 of this section shall be calculated from the date of release.

16 11-704.1.

17 **(A) IN THIS SECTION, "JUVENILE REGISTRANT" MEANS A PERSON WHO**
18 **IS REQUIRED TO BE INCLUDED IN THE REGISTRY OF JUVENILE SEX OFFENDERS**
19 **UNDER SUBSECTION (B) OF THIS SECTION.**

20 **[(a)] (B)** A person shall be included in a listing of juvenile sex offenders that
21 is maintained by the Department separately from the sex offender registry if:

22 (1) the person has been adjudicated delinquent for an act that, if
23 committed by an adult, would constitute a violation of § 3-303, § 3-304, § 3-305, [or §
24 3-306 of the Criminal Law Article, or § 3-307(a)(1) or (2) or § 3-308(b)(1) of the
25 Criminal Law Article involving conduct described in § 3-301(f)(2)] **§ 3-306(A)(1), OR**
26 **§ 3-307(A)(1)(II)1, 2, OR 3** of the Criminal Law Article; and

27 (2) the person was a minor who was at least [13] 14 years old at the
28 time the delinquent act was committed.

29 **[(b)] (C)** The [listing] **REGISTRY** of juvenile sex offenders shall be
30 accessible only by law enforcement personnel for law enforcement purposes.

31 **[(c)] (D)** [When the juvenile court's jurisdiction over a person who is
32 included in the listing of juvenile sex offenders terminates under § 3-8A-07 of the
33 Courts Article, the person shall be removed from the listing] **SUBJECT TO**

1 SUBSECTION (E) OF THIS SECTION, THE TERM OF REGISTRATION FOR A
2 JUVENILE REGISTRANT IS THE LIFE OF THE JUVENILE REGISTRANT.

3 (E) THE TERM OF REGISTRATION FOR A JUVENILE REGISTRANT SHALL
4 BE REDUCED TO 25 YEARS IF, IN THE 25 YEARS FOLLOWING THE DATE ON
5 WHICH THE REGISTRANT WAS REQUIRED TO REGISTER, THE REGISTRANT:

6 (1) IS NOT ADJUDICATED DELINQUENT FOR OR CONVICTED OF
7 ANY OFFENSE FOR WHICH A TERM OF IMPRISONMENT OF MORE THAN 1 YEAR
8 MAY BE IMPOSED;

9 (2) IS NOT ADJUDICATED DELINQUENT FOR OR CONVICTED OF
10 ANY SEX OFFENSE;

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

13 (4) SUCCESSFULLY COMPLETES AN APPROPRIATE SEX OFFENDER
14 TREATMENT PROGRAM.

15 (F) A JUVENILE REGISTRANT SHALL APPEAR IN PERSON AT A
16 LOCATION DESIGNATED BY THE DEPARTMENT EVERY 3 MONTHS TO:

17 (1) UPDATE AND VERIFY WITH THE DEPARTMENT THE
18 INFORMATION INCLUDED IN THE REGISTRY OF JUVENILE SEX OFFENDERS
19 UNDER THIS SECTION; AND

20 (2) ALLOW THE DEPARTMENT TO TAKE A DIGITAL IMAGE OF THE
21 JUVENILE REGISTRANT.

22 (G) THE DEPARTMENT, IN CONJUNCTION WITH THE DEPARTMENT OF
23 JUVENILE SERVICES, SHALL ADOPT REGULATIONS NECESSARY TO CARRY OUT
24 THE DUTIES OF THE DEPARTMENT RELATING TO THE REGISTRY OF JUVENILE
25 SEX OFFENDERS UNDER THIS SECTION.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 June 1, 2011.