

HOUSE BILL 1020

E4

(11r2239)

ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced by **Delegates Valderrama, Stifler, and Vallario**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

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; ~~requiring the~~
8 ~~Department of Juvenile Services to maintain a certain registry; altering the~~
9 ~~term of registration on a certain registry of juvenile sex offenders; providing for~~
10 ~~a reduction in the term of registration for certain juvenile registrants under~~
11 ~~certain circumstances;~~ requiring certain juvenile registrants to appear at a
12 certain location at certain times to provide certain information and to allow the
13 Department of ~~Public Safety and Correctional~~ Juvenile Services to take a digital
14 image of the juvenile registrant; ~~requiring the Department of Public Safety and~~
15 ~~Correctional Services in conjunction with the Department of Juvenile Services~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 ~~to adopt certain regulations;~~ defining a certain term; making a clarifying
 2 change; making conforming changes; and generally relating to sex offender
 3 registration.

4 BY repealing and reenacting, with amendments,
 5 Article – Criminal Procedure
 6 Section 11–701(p)(1), 11–702.1, and 11–704.1
 7 Annotated Code of Maryland
 8 (2008 Replacement Volume and 2010 Supplement)

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

11 **Article – Criminal Procedure**

12 11–701.

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

14 (1) conspiring to commit, attempting to commit, or committing a
 15 violation of § 3–307(a)(4) or (5) [of the Criminal Law Article, or], § 3–324, § 11–207, or
 16 § 11–209 of the Criminal Law Article[, if the victim is a minor];

17 11–702.1.

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

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

22 (2) was subject to registration under this subtitle on September 30,
 23 2010; ~~or~~

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

27 **(4) WAS CONVICTED ON OR AFTER OCTOBER 1, 2010, OF A**
 28 **VIOLATION OF § 3–324 OF THE CRIMINAL LAW ARTICLE, REGARDLESS OF**
 29 **WHETHER THE VICTIM WAS A MINOR.**

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

32 11–704.1.

1 (A) IN THIS SECTION, "JUVENILE REGISTRANT" MEANS A PERSON WHO
 2 IS REQUIRED TO BE INCLUDED IN THE REGISTRY OF JUVENILE SEX OFFENDERS
 3 UNDER SUBSECTION (B) OF THIS SECTION.

4 [(a)] (B) A person shall be included in a ~~listing~~ REGISTRY of juvenile sex
 5 offenders that is maintained by the Department ~~OF JUVENILE SERVICES~~ separately
 6 from the sex offender registry if:

7 (1) the person has been adjudicated delinquent for an act that, if
 8 committed by an adult, would constitute a violation of § 3-303, § 3-304, § 3-305, [or §
 9 3-306 of the Criminal Law Article, or § 3-307(a)(1) or (2) or § 3-308(b)(1) of the
 10 Criminal Law Article involving conduct described in § 3-301(f)(2)] ~~§ 3-306(A)(1), OR~~
 11 ~~§ 3-307(A)(1)(H)1, 2, OR 3 § 3-306(A)(1) OR (2), OR § 3-307(A)(1) OR (2)~~ of the
 12 Criminal Law Article; and

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

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

17 [(c)] (D) ~~{When the juvenile court's jurisdiction over a person who is~~
 18 ~~included in the listing of juvenile sex offenders~~ JUVENILE REGISTRANT terminates
 19 under § 3-8A-07 of the Courts Article, the ~~person~~ JUVENILE REGISTRANT shall be
 20 removed from the ~~listing~~ SUBJECT TO REGISTRY. SUBSECTION (E) OF THIS
 21 ~~SECTION, THE TERM OF REGISTRATION FOR A JUVENILE REGISTRANT IS THE~~
 22 ~~LIFE OF THE JUVENILE REGISTRANT.~~

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

26 ~~(1) IS NOT ADJUDICATED DELINQUENT FOR OR CONVICTED OF~~
 27 ~~ANY OFFENSE FOR WHICH A TERM OF IMPRISONMENT OF MORE THAN 1 YEAR~~
 28 ~~MAY BE IMPOSED;~~

29 ~~(2) IS NOT ADJUDICATED DELINQUENT FOR OR CONVICTED OF~~
 30 ~~ANY SEX OFFENSE;~~

31 ~~(3) SUCCESSFULLY COMPLETES, WITHOUT REVOCATION, ANY~~
 32 ~~PERIOD OF SUPERVISED RELEASE OR PROBATION; AND~~

33 ~~(4) SUCCESSFULLY COMPLETES AN APPROPRIATE SEX OFFENDER~~
 34 ~~TREATMENT PROGRAM.~~

1 ~~(F)~~ **(E)** A JUVENILE REGISTRANT SHALL APPEAR IN PERSON AT A
2 LOCATION DESIGNATED BY THE DEPARTMENT OF JUVENILE SERVICES EVERY 3
3 MONTHS TO:

4 (1) UPDATE AND VERIFY WITH THE DEPARTMENT OF JUVENILE
5 SERVICES THE INFORMATION INCLUDED IN THE REGISTRY OF JUVENILE SEX
6 OFFENDERS UNDER THIS SECTION; AND

7 (2) ALLOW THE DEPARTMENT OF JUVENILE SERVICES TO TAKE A
8 DIGITAL IMAGE OF THE JUVENILE REGISTRANT.

9 ~~(G)~~ ~~(F)~~ ~~THE DEPARTMENT, IN CONJUNCTION WITH THE~~
10 ~~DEPARTMENT OF JUVENILE SERVICES, SHALL ADOPT REGULATIONS~~
11 ~~NECESSARY TO CARRY OUT THE DUTIES OF THE DEPARTMENT OF JUVENILE~~
12 ~~SERVICES RELATING TO THE REGISTRY OF JUVENILE SEX OFFENDERS UNDER~~
13 ~~THIS SECTION.~~

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.