

HOUSE BILL 165

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By: **Delegates Simmons, Anderson, Barnes, Dumais, Dwyer, Frank, Jennings, Kelly, Kramer, Levi, McComas, McConkey, Ramirez, Shank, Smigiel, and Valderrama**

Introduced and read first time: January 20, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Offender Registry – Indecent Exposure**

3 FOR the purpose of expanding the definition of offender for purposes of provisions
4 relating to a certain offender registry to include a person who is ordered by a
5 court to register and who has been convicted of indecent exposure, if the victim
6 is under a certain age; and generally relating to a certain offender registry.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Procedure
9 Section 11–701(h)
10 Annotated Code of Maryland
11 (2008 Replacement Volume and 2009 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article – Criminal Procedure
14 Section 11–704(a)
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2009 Supplement)

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

19 **Article – Criminal Procedure**

20 11–701.

21 (h) “Offender” means a person who is ordered by a court to register under
22 this subtitle and who:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) has been convicted of violating § 3–503 of the Criminal Law
2 Article;

3 (2) has been convicted of violating § 3–502 of the Criminal Law Article
4 or the fourth degree sexual offense statute under § 3–308 of the Criminal Law Article,
5 if the victim is under the age of 18 years;

6 (3) has been convicted of the common law crime of false imprisonment,
7 if the victim is under the age of 18 years and the person is not the victim’s parent;

8 (4) has been convicted of a crime that involves soliciting a person
9 under the age of 18 years to engage in sexual conduct;

10 (5) has been convicted of violating the child pornography statute
11 under § 11–207 of the Criminal Law Article;

12 (6) has been convicted of violating any of the prostitution and related
13 crimes statutes under Title 11, Subtitle 3 of the Criminal Law Article if the intended
14 prostitute or victim is under the age of 18 years;

15 **(7) HAS BEEN CONVICTED OF INDECENT EXPOSURE, IF THE**
16 **VICTIM IS UNDER THE AGE OF 18 YEARS;**

17 **[(7)](8)** has been convicted of a crime that involves conduct that by
18 its nature is a sexual offense against a person under the age of 18 years;

19 **[(8)](9)** has been convicted of an attempt to commit a crime listed in
20 items (1) through **[(7)](8)** of this subsection; or

21 **[(9)](10)** has been convicted in another state or in a federal, military,
22 or Native American tribal court of a crime that, if committed in this State, would
23 constitute one of the crimes listed in items (1) through **[(8)](9)** of this subsection.

24 11–704.

25 (a) Subject to subsection (c) of this section, a person shall register with the
26 person’s supervising authority if the person is:

27 (1) a child sexual offender;

28 (2) an offender;

29 (3) a sexually violent offender;

30 (4) a sexually violent predator;

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

4 (6) an offender, sexually violent offender, or sexually violent predator
5 who, before moving into this State, was required to register in another state or by a
6 federal, military, or Native American tribal court for a crime that occurred before July
7 1, 1997; or

8 (7) a child sexual offender, offender, sexually violent offender, or
9 sexually violent predator who is required to register in another state, who is not a
10 resident of this State, and who enters this State:

11 (i) to carry on employment;

12 (ii) to attend a public or private educational institution,
13 including a secondary school, trade or professional institution, or institution of higher
14 education, as a full-time or part-time student; or

15 (iii) as a transient.

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