

SENATE BILL 565

E2

2lr1257
CF 2lr2782

By: **Senators Raskin, Frosh, Gladden, and Miller**

Introduced and read first time: February 3, 2012

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Sex Offender Registration Requirements – Kidnapping**

3 FOR the purpose of altering the offenses for which a person can be required to register
4 on a certain registry; providing for the application of this Act; and generally
5 relating to sex offender registration requirements and the crime of kidnapping.

6 BY repealing and reenacting, with amendments,
7 Article – Criminal Procedure
8 Section 11–701(q)
9 Annotated Code of Maryland
10 (2008 Replacement Volume and 2011 Supplement)

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

13 **Article – Criminal Procedure**

14 11–701.

15 (q) “Tier III sex offender” means a person who has been convicted of:

16 (1) conspiring to commit, attempting to commit, or committing a
17 violation of:

18 (i) § 2–201(a)(4)(viii), (x), or (xi) of the Criminal Law Article;

19 (ii) § 3–303, § 3–304, § 3–305, § 3–306, § 3–307(a)(1) or (2), §
20 3–309, § 3–310, § 3–311, § 3–312, § 3–315, § 3–323, [~~§ 3–502,~~] or § 3–602 of the
21 Criminal Law Article; [~~or~~]

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (III) § 3-502 OF THE CRIMINAL LAW ARTICLE, IF THE
2 VICTIM IS A MINOR;

3 (IV) § 3-502 OF THE CRIMINAL LAW ARTICLE, IF THE
4 VICTIM IS AN ADULT, AND THE PERSON HAS BEEN ORDERED BY THE COURT TO
5 REGISTER UNDER THIS SUBTITLE; OR

6 [(iii)] (V) the common law offense of sodomy or § 3-322 of the
7 Criminal Law Article if the offense was committed with force or threat of force;

8 (2) conspiring to commit, attempting to commit, or committing a
9 violation of § 3-307(a)(3), § 3-314, § 3-503, or § 3-603 of the Criminal Law Article, if
10 the victim is under the age of 14 years;

11 (3) conspiring to commit, attempting to commit, or committing the
12 common law offense of false imprisonment, if the victim is a minor;

13 (4) conspiring to commit, attempting to commit, or committing an
14 offense that would require the person to register as a tier I or tier II sex offender after
15 the person was already registered as a tier II sex offender;

16 (5) a crime committed in a federal, military, tribal, or other
17 jurisdiction that, if committed in this State, would constitute one of the crimes listed
18 in items (1) through (3) of this subsection; or

19 (6) a crime in a court of Canada, Great Britain, Australia, New
20 Zealand, or any other foreign country where the United States Department of State
21 has determined in its Country Reports on Human Rights Practices that an
22 independent judiciary generally or vigorously enforced the right to a fair trial during
23 the year in which the conviction occurred that, if the crime were committed in this
24 State, would constitute one of the crimes listed in items (1) through (3) of this
25 subsection.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
27 construed to apply retroactively and shall be applied to and interpreted to affect all
28 persons convicted of kidnapping under § 3-502 of the Criminal Law Article who have
29 been required to register on the State Sex Offender Registry since the enactment of
30 Chapters 174 and 175 of 2010.

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 June 1, 2012.