

SENATE BILL 875

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By: **Senator Zirkin**

Introduced and read first time: February 15, 2010

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Sexual Offender Registry – Written Notice of New**
3 **Electronic Identity Information**

4 FOR the purpose of requiring a certain sexual offender registrant who establishes a
5 new electronic mail address, computer log-in or screen name or identity,
6 instant-message identity, or electronic chat room identity to provide written
7 notice to the sexual offender registry of the new information within a certain
8 period after establishing the new address, name, or identity; prohibiting a
9 registrant from knowingly failing to provide a certain notice as required under
10 this Act; providing criminal penalties for a violation of this Act; and generally
11 relating to the sexual offender registry.

12 BY repealing and reenacting, with amendments,
13 Article – Criminal Procedure
14 Section 11–705 and 11–721
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2009 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article – Criminal Procedure
19 Section 11–706
20 Annotated Code of Maryland
21 (2008 Replacement Volume and 2009 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 11–705.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this section, “resident” means a person who lives in this State when
2 the person:

3 (1) is released;

4 (2) is granted probation;

5 (3) is granted a suspended sentence;

6 (4) receives a sentence that does not include a term of imprisonment;

7 or

8 (5) is released from the juvenile court’s jurisdiction under § 3–8A–07
9 of the Courts Article, if the person was a minor who lived in the State at the time the
10 act was committed for which registration is required.

11 (b) A registrant shall register with the supervising authority:

12 (1) if the registrant is a resident, on or before the date that the
13 registrant:

14 (i) is released;

15 (ii) is granted probation before judgment;

16 (iii) is granted probation after judgment;

17 (iv) is granted a suspended sentence; or

18 (v) receives a sentence that does not include a term of
19 imprisonment;

20 (2) if the registrant was a resident who was a minor at the time the
21 act was committed for which registration is required, within 7 days after the juvenile
22 court’s jurisdiction over the person terminates under § 3–8A–07 of the Courts Article;

23 (3) if the registrant moves into the State, within 7 days after the
24 earlier of the date that the registrant:

25 (i) establishes a temporary or permanent residence in the
26 State; or

27 (ii) applies for a driver’s license in the State; or

28 (4) if the registrant is not a resident, within 14 days after the
29 registrant:

30 (i) begins employment in the State;

1 (ii) registers as a student in the State; or

2 (iii) enters the State as a transient.

3 (c) (1) A child sexual offender shall also register in person with the local
4 law enforcement unit of the county where the child sexual offender will reside:

5 (i) within 7 days after release, or within 7 days after the
6 juvenile court's jurisdiction over the person terminates under § 3-8A-07 of the Courts
7 Article, if the child sexual offender is a resident; or

8 (ii) within 7 days after registering with the supervising
9 authority, if the registrant is moving into this State.

10 (2) Within 7 days after registering with the supervising authority, a
11 child sexual offender who is not a resident and has entered the State under §
12 11-704(a)(7) of this subtitle shall also register in person with the local law
13 enforcement unit of the county where the child sexual offender is a transient or will
14 work or attend school.

15 (3) A child sexual offender may be required to give to the local law
16 enforcement unit more information than required under § 11-706 of this subtitle.

17 (d) A registrant who changes residences shall send written notice of the
18 change to the State registry within 5 days after the change occurs.

19 (e) (1) A registrant who commences or terminates enrollment as a
20 full-time or part-time student at an institution of higher education in the State shall
21 send written notice to the State registry within 5 days after the commencement or
22 termination of enrollment.

23 (2) A registrant who commences or terminates carrying on
24 employment at an institution of higher education in the State shall send written notice
25 to the State registry within 5 days after the commencement or termination of
26 employment.

27 (f) A registrant who is granted a legal change of name by a court shall send
28 written notice of the change to the State registry within 5 days after the change is
29 granted.

30 **(G) A REGISTRANT WHO ESTABLISHES A NEW ELECTRONIC MAIL**
31 **ADDRESS, COMPUTER LOG-IN OR SCREEN NAME OR IDENTITY,**
32 **INSTANT-MESSAGE IDENTITY, OR ELECTRONIC CHAT ROOM IDENTITY SHALL**
33 **SEND WRITTEN NOTICE OF THE NEW INFORMATION TO THE STATE REGISTRY**
34 **WITHIN 3 DAYS AFTER THE ELECTRONIC MAIL ADDRESS, COMPUTER LOG-IN OR**

1 **SCREEN NAME OR IDENTITY, INSTANT-MESSAGE IDENTITY, OR ELECTRONIC**
2 **CHAT ROOM IDENTITY IS ESTABLISHED.**

3 11-706.

4 (a) A registration statement shall include:

5 (1) the registrant's full name, including any suffix, and address;

6 (2) (i) for a registrant under § 11-704(a)(7)(i) of this subtitle or
7 who is on work release, the registrant's place of employment; or

8 (ii) for a registrant under § 11-704(a)(7)(ii) of this subtitle, the
9 registrant's place of educational institution or school enrollment;

10 (3) (i) for a registrant enrolled, or expecting to enroll, in an
11 institution of higher education in the State as a full-time or part-time student, the
12 name and address of the institution of higher education; or

13 (ii) for a registrant who carries on employment, or expects to
14 carry on employment, at an institution of higher education in the State, the name and
15 address of the institution of higher education;

16 (4) a description of the crime for which the registrant was convicted;

17 (5) the date that the registrant was convicted;

18 (6) the jurisdiction in which the registrant was convicted;

19 (7) a list of any aliases, former names, electronic mail addresses,
20 computer log-in or screen names or identities, instant-messaging identities, and
21 electronic chat room identities that the registrant has used;

22 (8) the registrant's Social Security number;

23 (9) any other name by which the registrant has been legally known;

24 (10) a copy of the registrant's valid driver's license or identification
25 card;

26 (11) the license plate number and description of any vehicle owned or
27 regularly operated by the registrant; and

28 (12) the registrant's signature and date signed.

29 (b) If the registrant is a sexually violent predator, the registration statement
30 shall also include:

- 1 (1) identifying factors, including a physical description;
- 2 (2) anticipated future residence, if known at the time of registration;
- 3 (3) offense history; and
- 4 (4) documentation of treatment received for a mental abnormality or
5 personality disorder.

6 11-721.

7 (a) A registrant may not knowingly fail to register, knowingly fail to provide
8 the written notice required under § 11-705(d), (e), [or] (f), **OR (G)** of this subtitle, or
9 knowingly provide false information of a material fact as required by this subtitle.

10 (b) A person who violates this section:

11 (1) for a first offense, is guilty of a misdemeanor and on conviction is
12 subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both;
13 and

14 (2) for a second or subsequent offense, is guilty of a felony and on
15 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding
16 \$10,000 or both.

17 (c) A person who violates this section is subject to § 5-106(b) of the Courts
18 Article.

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