

HOUSE BILL 861

J3, E4

8lr1044

By: **Delegates Kramer, Barkley, Gutierrez, Lam, R. Lewis, and Stein**

Introduced and read first time: February 2, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Nursing Homes and Assisted Living Facilities – Sex Offenders**

3 FOR the purpose of requiring a certain registrant who applies for admission to a nursing
4 home or an assisted living program to provide certain notification to the nursing
5 home or assisted living program during the admission process and, if feasible, before
6 a certain time; altering the information that must be included in a registration
7 statement; requiring a certain supervising authority to send a copy of a registration
8 statement to a certain nursing home or assisted living program within a certain time
9 period; prohibiting a facility from knowingly employing an identified registrant;
10 requiring a facility to check the Sex Offender Registry on a certain website to make
11 a certain determination; requiring a facility to provide certain written notice to each
12 prospective and current resident or guardian of the resident; defining certain terms;
13 and generally relating to sex offenders and nursing homes and assisted living
14 programs.

15 BY adding to

16 Article – Criminal Procedure
17 Section 11–705(k)
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2017 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article –Criminal Procedure
22 Section 11–706(a) and 11–708
23 Annotated Code of Maryland
24 (2008 Replacement Volume and 2017 Supplement)

25 BY adding to

26 Article – Health – General
27 Section 19–2601 through 19–2604 to be under the new subtitle “Subtitle 26.
28 Employment and Admission of Registered Sex Offenders in Assisted Living

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Programs and Nursing Homes”
2 Annotated Code of Maryland
3 (2015 Replacement Volume and 2017 Supplement)

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

6 **Article – Criminal Procedure**

7 11–705.

8 **(K) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A**
9 **REGISTRANT WHO APPLIES FOR ADMISSION TO A NURSING HOME OR AN ASSISTED**
10 **LIVING PROGRAM SHALL NOTIFY THE NURSING HOME OR ASSISTED LIVING**
11 **PROGRAM DURING THE ADMISSION PROCESS THAT THE REGISTRANT IS A**
12 **REGISTERED SEX OFFENDER IN THE STATE OR IN ANY OTHER STATE.**

13 **(2) IF FEASIBLE, THE NOTIFICATION REQUIRED UNDER PARAGRAPH**
14 **(1) OF THIS SUBSECTION SHALL BE PROVIDED BEFORE THE ADMISSION OF THE**
15 **REGISTRANT TO THE NURSING HOME OR ASSISTED LIVING PROGRAM.**

16 11–706.

17 (a) For all sex offenders in the State, a registration statement shall include:

18 (1) the registrant’s full name, including any suffix, and all addresses and
19 places where the registrant resides or habitually lives;

20 (2) the name and address of each of the registrant’s employers and a
21 description of each location where the registrant performs employment duties, if that
22 location differs from the address of the employer;

23 (3) the name of the registrant’s educational institution or place of school
24 enrollment and the registrant’s educational institution or school address;

25 **(4) IF THE REGISTRANT RESIDES OR HABITUALLY LIVES IN A**
26 **NURSING HOME OR AN ASSISTED LIVING PROGRAM, THE NAME OF THE NURSING**
27 **HOME OR ASSISTED LIVING PROGRAM;**

28 **[(4)] (5)** a description of the crime for which the registrant was convicted;

29 **[(5)] (6)** the date that the registrant was convicted;

30 **[(6)] (7)** the jurisdiction and the name of the court in which the registrant
31 was convicted;

1 **[(7)] (8)** a list of any aliases, former names, names by which the
2 registrant legally has been known, traditional names given by family or clan under ethnic
3 or tribal tradition, electronic mail addresses, computer log-in or screen names or identities,
4 instant-messaging identities, and electronic chat room identities that the registrant has
5 used;

6 **[(8)] (9)** the registrant's Social Security number and any purported Social
7 Security numbers, the registrant's date of birth, purported dates of birth, and place of birth;

8 **[(9)] (10)** all identifying factors, including a physical description;

9 **[(10)] (11)** a copy of the registrant's passport or immigration papers;

10 **[(11)] (12)** information regarding any professional licenses the registrant
11 holds;

12 **[(12)] (13)** the license plate number, registration number, and description
13 of any vehicle, including all motor vehicles, boats, and aircraft, owned or regularly operated
14 by the registrant;

15 **[(13)] (14)** the permanent or frequent addresses or locations where all
16 vehicles are kept;

17 **[(14)] (15)** all landline and cellular telephone numbers and any other
18 designations used by the sex offender for the purposes of routing or self-identification in
19 telephonic communications;

20 **[(15)] (16)** a copy of the registrant's valid driver's license or identification
21 card;

22 **[(16)] (17)** the registrant's fingerprints and palm prints;

23 **[(17)] (18)** the criminal history of the sex offender, including the dates of all
24 arrests and convictions, the status of parole, probation, or supervised release, and the
25 existence of any outstanding arrest warrants; and

26 **[(18)] (19)** the registrant's signature and date signed.

27 11-708.

28 (a) When a registrant registers, the supervising authority shall:

29 (1) give written notice to the registrant of the requirements of this subtitle;

30 (2) explain the requirements of this subtitle to the registrant, including:

1 (i) the duties of a registrant when the registrant changes residence
2 address in this State or changes the county in which the registrant habitually lives;

3 (ii) the duties of a registrant under § 11–705 of this subtitle;

4 (iii) the requirement for a sex offender to register in person with the
5 local law enforcement unit of each county where the sex offender will reside or habitually
6 live or where the sex offender who is not a resident of this State is a transient or will work
7 or attend school; and

8 (iv) the requirement that if the registrant changes residence address,
9 employment, or school enrollment to another state that has a registration requirement, the
10 registrant shall register with the designated law enforcement unit or sex offender
11 registration unit of that state within 3 days after the change; and

12 (3) obtain a statement signed by the registrant acknowledging that the
13 supervising authority explained the requirements of this subtitle and gave written notice
14 of the requirements to the registrant.

15 (b) (1) The supervising authority shall obtain an updated digital image,
16 fingerprints, and palm prints of the registrant and forward the updated digital image,
17 fingerprints, and palm prints to the Department.

18 (2) For a registrant who has not submitted a DNA sample, as defined in §
19 2–501 of the Public Safety Article, for inclusion in the statewide DNA database system of
20 the Department of State Police Crime Laboratory, the supervising authority shall:

21 (i) obtain a DNA sample from the registrant at the registrant's
22 initial registration; and

23 (ii) provide the sample to the statewide DNA database system of the
24 Department of State Police Crime Laboratory.

25 (c) (1) Within 3 days after obtaining a registration statement, the supervising
26 authority shall send a copy of the registration statement with the attached fingerprints,
27 palm prints, and updated digital image of the registrant to the local law enforcement unit
28 in each county where the registrant will reside or habitually live or where a registrant who
29 is not a resident is a transient or will work or attend school.

30 (2) (i) If the registrant is enrolled in or carries on employment at, or is
31 expecting to enroll in or carry on employment at, an institution of higher education in the
32 State, within 3 days after obtaining a registration statement, the supervising authority
33 shall send a copy of the registration statement with the attached fingerprints, palm prints,
34 and updated digital image of the registrant to the campus police agency of the institution
35 of higher education.

36 (ii) If an institution of higher education does not have a campus

1 police agency, the copy of the registration statement with the attached fingerprints, palm
2 prints, and updated digital image of the registrant shall be provided to the local law
3 enforcement agency having primary jurisdiction for the campus.

4 (d) As soon as possible but not later than 3 working days after the registration is
5 complete, a supervising authority that is not a unit of the Department shall send the
6 registration statement to the Department.

7 (E) WITHIN 3 DAYS AFTER OBTAINING A REGISTRATION STATEMENT
8 INDICATING THAT THE REGISTRANT RESIDES OR HABITUALLY LIVES IN A NURSING
9 HOME OR AN ASSISTED LIVING PROGRAM, THE SUPERVISING AUTHORITY SHALL
10 SEND A COPY OF THE REGISTRATION STATEMENT TO THE NURSING HOME OR
11 ASSISTED LIVING PROGRAM WHERE THE REGISTRANT WILL RESIDE OR HABITUALLY
12 LIVE.

13 **Article – Health – General**

14 **SUBTITLE 26. EMPLOYMENT AND ADMISSION OF REGISTERED SEX OFFENDERS IN**
15 **ASSISTED LIVING PROGRAMS AND NURSING HOMES.**

16 **19-2601.**

17 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
18 INDICATED.

19 (B) “FACILITY” MEANS:

20 (1) AN ASSISTED LIVING PROGRAM REGULATED UNDER SUBTITLE 18
21 OF THIS TITLE; OR

22 (2) A NURSING HOME REGULATED UNDER SUBTITLE 14 OF THIS
23 TITLE.

24 (C) “IDENTIFIED REGISTRANT” MEANS AN INDIVIDUAL WHO IS REQUIRED
25 TO REGISTER UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE
26 ARTICLE.

27 **19-2602.**

28 **A FACILITY MAY NOT KNOWINGLY EMPLOY AN IDENTIFIED REGISTRANT.**

29 **19-2603.**

30 **DURING THE ADMISSION PROCESS, A FACILITY SHALL CHECK THE SEX**

1 **OFFENDER REGISTRY ON THE WEBSITE MAINTAINED BY THE DEPARTMENT OF**
2 **PUBLIC SAFETY AND CORRECTIONAL SERVICES TO DETERMINE IF THE APPLICANT**
3 **IS AN IDENTIFIED REGISTRANT.**

4 **19-2604.**

5 **A FACILITY SHALL PROVIDE TO EACH PROSPECTIVE AND CURRENT RESIDENT**
6 **OR GUARDIAN OF A RESIDENT A WRITTEN NOTICE CONCERNING THE SEX OFFENDER**
7 **REGISTRY AND THE AVAILABILITY OF THE REGISTRY ON THE WEBSITE OF THE**
8 **DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2018.