

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 854
Judiciary

(Delegate Bartlett)

Judicial Proceedings

Sex Offenders - Required Registration - Locations

This bill requires a county law enforcement agency – in a county with a population of more than 300,000 residents – to designate at least two locations in the county where a person required to register with the State sex offender registry may register. A person required to register on the registry may register at any of those designated locations.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

Local Effect: The bill is not anticipated to significantly affect county government operations or finances. It is assumed that affected county law enforcement agencies can implement the bill’s changes with existing county resources.

Small Business Effect: None.

Analysis

Current Law: Generally, a person convicted of a sex crime or other specified crime in Maryland, including kidnapping and false imprisonment under specified circumstances, is required to register with the State sex offender registry upon release from prison or release from court if the person did not receive a prison sentence. Offenders who are required to register in other states and who come to Maryland are required to register upon entering Maryland. Offenders from other states who may not be required to register in the home state are required to register in Maryland if the crime would have required registration in Maryland if committed in Maryland. The registry is maintained by the Department of Public Safety and Correctional Services.

Generally, a sex offender must register with the appropriate supervising authority in the State prior to the registrant's release from incarceration or within three days of the date the registrant is granted probation before or after judgment, a suspended sentence, or a sentence that does not include a term of imprisonment. If the sex offender moves into the State, the registrant must register within three days of the date the registrant establishes residence in the State, begins to habitually live in the State, or applies for a driver's license in the State. If the registrant is not a resident, the registrant must register within three days after the registrant begins employment in the State, registers as a student in the State, or enters the State as a transient.

A sex offender must also register in person with the local law enforcement unit of each county where the sex offender resides within three days of (1) release from any period of imprisonment or arrest or (2) registering with the supervising authority, if the registrant is moving into the State and the local law enforcement unit is not the supervising authority.

A homeless sex offender also must register in person with the local law enforcement unit in each county where the registrant habitually lives (1) within three days after the release date or within three days after registering with the supervising authority (whichever is earlier) and (2) within three days after entering and remaining in a county. After the initial registration with a local law enforcement unit, a homeless sex offender must register once a week in person during the time the homeless registrant habitually lives in the county. These registration requirements are in addition to any other registration requirements the homeless registrant is subject to according to the registrant's classification as a Tier I sex offender, Tier II sex offender, Tier III sex offender, or sexually violent predator.

A Tier I sex offender must register in person every six months with a local law enforcement unit for 15 years. A Tier II sex offender must register in person every six months with a local law enforcement unit for 25 years. A Tier III sex offender must register in person every three months with a local law enforcement unit for the life of the registrant. If a Tier I sex offender meets specified requirements, the registration term is reduced to 10 years. In addition, the registration term is up to 5 years for specified registrants, subject to reduction by the juvenile court on the filing of a petition by the registrant for a reduction in the term of registration.

Additional Comments: According to the 2020 decennial census, there are six counties in the State with a population of more than 300,000 residents: Baltimore City and Anne Arundel, Baltimore, Howard, Montgomery, and Prince George's counties.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Prince George's County; Maryland Municipal League; Maryland Association of Counties; Judiciary (Administrative Office of the Courts); Maryland Department of Planning; Department of Public Safety and Correctional Services; U.S. Census Bureau; Department of Legislative Services

Fiscal Note History: First Reader - February 16, 2024
km/lgc Third Reader - March 21, 2024
Revised - Amendment(s) - March 21, 2024

Analysis by: Thomas S. Elder

Direct Inquiries to:
(410) 946-5510
(301) 970-5510