

# SENATE BILL 18

R4, E2

11r0492

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By: **Senator Colburn**

Introduced and read first time: January 17, 2011

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Registered Sex Offenders – Drivers’ Licenses and**  
3 **Identification Cards**

4 FOR the purpose of requiring the Department of Public Safety and Correctional  
5 Services, within a certain period of time after receiving a certain sex offender  
6 registration statement, to send a copy of the registration statement to the Motor  
7 Vehicle Administration; requiring the Administration on receipt of the  
8 registration statement to place a notation in a code known to law enforcement  
9 on a driver’s license or identification card issued or reissued to the individual  
10 who is the subject of the registration statement indicating that the individual is  
11 registered on a certain sex offender registry; prohibiting the removal of a certain  
12 notation unless the Department provides a certain written notice to the  
13 Administration; and generally relating to the individuals registered on the sex  
14 offender registry.

15 BY repealing and reenacting, without amendments,  
16 Article – Criminal Procedure  
17 Section 11–701(p)  
18 Annotated Code of Maryland  
19 (2008 Replacement Volume and 2010 Supplement)

20 BY repealing and reenacting, without amendments,  
21 Article – Criminal Procedure  
22 Section 11–701(q)  
23 Annotated Code of Maryland  
24 (2008 Replacement Volume and 2010 Supplement)  
25 (As enacted by Chapter 174 of the Acts of the General Assembly of 2010)

26 BY repealing and reenacting, with amendments,  
27 Article – Criminal Procedure  
28 Section 11–713

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2008 Replacement Volume and 2010 Supplement)

3 BY adding to  
4 Article – Transportation  
5 Section 12–303.2  
6 Annotated Code of Maryland  
7 (2009 Replacement Volume and 2010 Supplement)

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

10 **Article – Criminal Procedure**

11 11–701.

12 (p) “Tier II sex offender” means a person who has been convicted of:

13 (1) conspiring to commit, attempting to commit, or committing a  
14 violation of § 3–307(a)(4) or (5) of the Criminal Law Article, or § 3–324, § 11–207, or §  
15 11–209 of the Criminal Law Article, if the victim is a minor;

16 (2) conspiring to commit, attempting to commit, or committing a  
17 violation of § 11–303, § 11–305, or § 11–306 of the Criminal Law Article, if the  
18 intended prostitute or victim is a minor;

19 (3) conspiring to commit, attempting to commit, or committing a  
20 violation of § 3–314 or § 3–603 of the Criminal Law Article, if the victim is a minor  
21 who is at least 14 years old;

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

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

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

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

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

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

4 (ii) § 3–303, § 3–304, § 3–305, § 3–306, § 3–307(a)(1) or (2), §  
5 3–309, § 3–310, § 3–311, § 3–312, § 3–315, § 3–323, § 3–502, or § 3–602 of the Criminal  
6 Law Article; or

7 (iii) the common law offense of sodomy or § 3–322 of the  
8 Criminal Law Article if the offense was committed with force or threat of force;

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

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

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

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

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

27 11–713.

28 The Department:

29 (1) as soon as possible but not later than 3 working days after  
30 receiving the conviction data and fingerprints of a registrant, shall transmit the data  
31 and fingerprints to the Federal Bureau of Investigation if the Bureau does not have  
32 that information;

33 (2) shall keep a central registry of registrants and a listing of juvenile  
34 sex offenders;

1 (3) shall reimburse local law enforcement units for the cost of  
2 processing the registration statements of registrants, including the cost of taking  
3 fingerprints, palm prints, and digital images;

4 (4) shall reimburse local law enforcement units for the reasonable  
5 costs of implementing community notification procedures;

6 (5) shall be responsible for receiving and distributing all intrastate,  
7 federal, and foreign government communications relating to the registration of sex  
8 offenders; [and]

9 (6) shall notify all jurisdictions where the registrant will reside, carry  
10 on employment, or attend school within 3 days of changes in the registrant's  
11 registration; AND

12 (7) SHALL, WITHIN 5 WORKING DAYS AFTER RECEIVING A  
13 REGISTRATION STATEMENT UNDER THIS SUBTITLE, SEND A COPY OF THE  
14 REGISTRATION STATEMENT OF A TIER II SEX OFFENDER OR A TIER III SEX  
15 OFFENDER TO THE MOTOR VEHICLE ADMINISTRATION.

#### 16 Article – Transportation

#### 17 12-303.2.

18 (A) ON RECEIPT OF A REGISTRATION STATEMENT SENT BY THE  
19 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES IN  
20 ACCORDANCE WITH § 11-713 OF THE CRIMINAL PROCEDURE ARTICLE STATING  
21 THAT AN INDIVIDUAL WHO IS A HOLDER OF OR AN APPLICANT FOR A DRIVER'S  
22 LICENSE OR IDENTIFICATION CARD HAS REGISTERED UNDER § 11-704 OF THE  
23 CRIMINAL PROCEDURE ARTICLE AS A TIER II SEX OFFENDER OR A TIER III SEX  
24 OFFENDER, THE ADMINISTRATION SHALL PLACE ON A DRIVER'S LICENSE OR  
25 IDENTIFICATION CARD ISSUED OR REISSUED TO THE INDIVIDUAL A NOTATION,  
26 IN A CODE KNOWN TO LAW ENFORCEMENT, INDICATING THAT THE INDIVIDUAL  
27 IS REGISTERED ON THE SEX OFFENDER REGISTRY.

28 (B) A NOTATION PLACED IN ACCORDANCE WITH THIS SECTION MAY BE  
29 REMOVED FROM A DRIVER'S LICENSE OR IDENTIFICATION CARD ONLY IF THE  
30 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES PROVIDES  
31 WRITTEN NOTICE TO THE ADMINISTRATION THAT THE INDIVIDUAL IS NO  
32 LONGER SUBJECT TO REGISTRATION UNDER TITLE 11, SUBTITLE 7 OF THE  
33 CRIMINAL PROCEDURE ARTICLE.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
35 October 1, 2011.