

SENATE BILL 685

E2

9lr1694
CF 9lr1627

By: **Senator Bailey**

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Supervised Probation – Convicted Sex Offenders**

3 FOR the purpose of requiring a certain court, at sentencing for a crime that requires the
4 defendant to register as a certain sex offender, to order probation for a term of years
5 equal in length to a certain period of registration; and generally relating to sex
6 offenders and terms of probation.

7 BY repealing and reenacting, with amendments,

8 Article – Criminal Procedure

9 Section 6–222(a)

10 Annotated Code of Maryland

11 (2018 Replacement Volume)

12 BY repealing and reenacting, without amendments,

13 Article – Criminal Procedure

14 Section 11–707

15 Annotated Code of Maryland

16 (2018 Replacement Volume)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Criminal Procedure**

20 6–222.

21 (a) A circuit court or the District Court [may]:

22 (1) **MAY** impose a sentence for a specified time and provide that a lesser
23 time be served in confinement;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) MAY suspend the remainder of the sentence; and

2 (3) (i) MAY order probation for a time longer than the sentence but,
3 subject to subsections (b) and (c) of this section, not longer than:

4 1. 5 years if the probation is ordered by a circuit court; or

5 2. 3 years if the probation is ordered by the District Court; or

6 (ii) if a defendant IS convicted of [sexual abuse of a minor under §
7 3–602 of the Criminal Law Article, a crime involving a minor under § 3–303, §
8 3–304, or § 3–307 of the Criminal Law Article, or a crime involving a minor under § 3–305
9 or § 3–306 of the Criminal Law Article as the sections existed before October 1, 2017,
10 consents in writing, order probation for a time longer than the sentence that was imposed
11 on the defendant, but not longer than:

12 1. 10 years if the probation is ordered by a circuit court; or

13 2. 6 years if the probation is ordered by the District Court]

14 **AN OFFENSE THAT REQUIRES THE DEFENDANT TO REGISTER AS A SEX OFFENDER**
15 **UNDER TITLE 11, SUBTITLE 7 OF THIS ARTICLE, SHALL ORDER, IN ADDITION TO ANY**
16 **OTHER SENTENCE IMPOSED, PROBATION FOR A TERM OF YEARS EQUAL IN LENGTH**
17 **TO THE APPLICABLE TERM OF REGISTRATION SPECIFIED IN § 11–707 OF THIS**
18 **ARTICLE.**

19 11–707.

20 (a) (1) (i) A tier I sex offender and a tier II sex offender shall register in
21 person every 6 months with a local law enforcement unit for the term provided under
22 paragraph (4) of this subsection.

23 (ii) Registration shall include a digital image that shall be updated
24 every 6 months.

25 (2) (i) A tier III sex offender shall register in person every 3 months
26 with a local law enforcement unit for the term provided under paragraph (4) of this
27 subsection.

28 (ii) Registration shall include a digital image that shall be updated
29 every 6 months.

30 (3) (i) A sexually violent predator shall register in person every 3
31 months with a local law enforcement unit for the term provided under paragraph (4) of this
32 subsection.

1 (ii) Registration shall include a digital image that shall be updated
2 every 6 months.

3 (4) Subject to subsection (c) of this section, the term of registration is:

4 (i) 15 years, if the registrant is a tier I sex offender;

5 (ii) 25 years, if the registrant is a tier II sex offender;

6 (iii) the life of the registrant, if the registrant is a tier III sex offender;
7 or

8 (iv) up to 5 years, if the registrant is a person described under §
9 11-704(c)(1) of this subtitle, subject to reduction by the juvenile court on the filing of a
10 petition by the registrant for a reduction in the term of registration.

11 (5) A registrant who is not a resident of the State shall register for the
12 appropriate time specified in this subsection or until the registrant's employment, student
13 enrollment, or transient status in the State ends.

14 (b) A term of registration described in this section shall be computed from:

15 (1) the last date of release;

16 (2) the date granted probation;

17 (3) the date granted a suspended sentence; or

18 (4) the date the juvenile court's jurisdiction over the registrant terminates
19 under § 3-8A-07 of the Courts Article if the registrant was a minor who lived in the State
20 at the time the act was committed for which registration is required.

21 (c) The term of registration for a tier I sex offender shall be reduced to 10 years
22 if, in the 10 years following the date on which the registrant was required to register, the
23 registrant:

24 (1) is not convicted of any offense for which a term of imprisonment of more
25 than 1 year may be imposed;

26 (2) is not convicted of any sex offense;

27 (3) successfully completes, without revocation, any period of supervised
28 release, parole, or probation; and

29 (4) successfully completes an appropriate sex offender treatment program.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2019.