



SEX OFFENDERS- NOTIFICATION & REGISTRATION

INDEX CODE: 1002
EFFECTIVE DATE: 03-19-19

Contents:

- I. Background
- II. Penalty & Application
- III. Definitions
- IV. Notification Requirements – Supervising Authority
- V. Registration Requirements – Sex Offender
- VI. Responsibilities of the Police Department
- VII. Proponent Unit
- VIII. Cancellation

I. BACKGROUND

The Maryland Sex Offender Notification and Registration Law requires all offenders to register with the **local** law enforcement **unit** of the jurisdiction in which they reside. In Anne Arundel County, all offenders, including those living in the geographic boundaries of the City of Annapolis and Fort Meade, are required to register with the Anne Arundel County Police Department.

II. PENALTY & APPLICATION

A Registered Sex Offender (Registrant) who knowingly fails to comply with the law is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding three years or a fine not exceeding more than \$5,000 or both. A subsequent offense is a felony and is subject to imprisonment not exceeding five years or a fine not exceeding \$10,000 or both.

III. DEFINITIONS

A. Sex Offender

The law categorizes sex offenders into four (4) groups (Tier I, Tier II, Tier III and Sexually Violent Predators) as determined by the severity of the offense, the age of the victim, prior history, and the actions of the courts. A sex offender is a person who has been convicted of:

1. An offense that would require the person to be classified as a Tier I sex offender, Tier II sex offender, or Tier III sex offender;
2. An offense committed in another state or in federal, military, or tribal jurisdiction that, if committed in this state, would require the person to be classified as a Tier I sex offender, Tier II sex offender, or Tier III sex offender; or
3. An offense in a court of Canada, Great Britain, Australia, New Zealand, or **any other foreign country where the United States Department of State has determined in its Country Reports on Human Rights Practices that an independent judiciary generally or vigorously enforced the right to a fair trial during the year in which the conviction occurred** that, if committed in this state, would require the person to be classified as a Tier I sex offender, Tier II sex offender, or Tier III sex offender.

B. Local Law Enforcement Unit

The law enforcement **unit** in a county that has been designated by resolution of the County governing body as the primary law enforcement unit in the county.

C. Release

Any type of release from *the* custody of a supervising authority. Includes release on parole, mandatory supervision release, release from a correctional facility with no required period of supervision, work release, placement on Home Detention and the first instance of entry into the community that is part of a supervising authority's graduated release program. This does not include an escape or leave that is granted on an emergency basis.

D. Supervising Authority

An agency or person that is responsible for collecting the information for the initial registration of a sex offender and is:

- 1. the Secretary, if the registrant is in the custody of a correctional facility operated by the Department;*
- 2. the administrator of a local correctional facility, if the registrant, including a participant in a home detention program, is in the custody of the local correctional facility;*
- 3. the court that granted the probation or suspended sentence, except as provided in item (9) of this subsection, if the registrant is granted probation before judgment, probation after judgment, or a suspended sentence;*
- 4. the Director of the Patuxent Institution, if the registrant is in the custody of the Patuxent Institution;*
- 5. the Secretary of Health, if the registrant is in the custody of a facility operated by the Maryland Department of Health;*
- 6. the court in which the registrant was convicted, if the registrant's sentence does not include a term of imprisonment or if the sentence is modified to time served;*
- 7. the Secretary, if the registrant is in the State under terms and conditions of the Interstate Compact for Adult Offender Supervision, set forth in Title 6, Subtitle 2 of the Correctional Services Article, or the Interstate Corrections Compact, set forth in Title 8, Subtitle 6 of the Correctional Services Article;*
- 8. the local law enforcement unit where the sex offender is a resident, is a transient, or habitually lives on moving from another jurisdiction or foreign country that requires registration if the sex offender is not under the supervision, custody, or control of another supervising authority;*
- 9. the Director of Parole and Probation, if the registrant is under the supervision of the Division of Parole and Probation; or*
- 10. the Secretary of Juvenile Services, if the registrant was a minor at the time the act was committed for which registration is required.*

IV. NOTIFICATION REQUIREMENTS – SUPERVISING AUTHORITY

A. When a Notification is Required

On the earliest date that a sex offender is released, granted work release, put on home detention, granted probation, granted a suspended sentence, or receives a sentence that does not include a term of imprisonment, the supervising authority shall:

- 1. Give written notice to the registrant of the requirements of the law, **explain the requirements to the registrant**, and obtain a statement signed by the sex offender acknowledging **that the supervising authority explained the requirements of the law and gave written notice of the requirements to the registrant**; and*
- 2. Within three days **after** obtaining a registration statement, send a copy of the registration statement **with the attached fingerprints, palm prints, and updated digital image** of the registrant to the local law enforcement **unit** in **each** county where the registrant will reside, **or habitually live**, or where a registrant who is not a resident, of this state, is a transient or where the registrant will work or attend school.*

B. Contents of Notification and Registration Statement

The required written notice and registration statement shall include all information required by law at the time of registration.

C. Persons to be Notified

A copy of the registration statement shall be sent to the following if it has been requested in writing about a specific registrant:

- 1. The victim of the crime for which the registrant was convicted; or, if the victim is a minor, the parents or legal guardian of the victim;*

2. **Each** witness who testified against the **registrant** in a court proceeding involving the **crime**; and
3. **Each** person specified in writing by the State's Attorney.

Information **about a** person who receives **a copy of a registration statement under this section** is confidential, and may not be disclosed to the registrant or any other person.

E. Inter-Agency Information Sharing

If a sex offender will reside, after release, in a municipal corporation that has a police department, or in the case where a sex offender escapes from a facility and the offender resided (before being committed to a supervising authority) in a municipal corporation that has a police department, a local law enforcement agency that receives a required notice from a supervising authority under this law shall send a copy of the notice to the police department of the municipal corporation.

V. REGISTRATION REQUIREMENTS – SEX OFFENDER

A. Definition of “Resident”

In this section, “resident” means a person who has a home or other place where the person habitually lives located in **this** state when the person:

1. Is released;
2. Is granted probation;
3. Is granted a suspended sentence;
4. Receives a sentence that does not include a term of imprisonment; or
5. Is released from the juvenile courts jurisdiction under § 3-8A-07 of the Courts Article, if the person was a minor who lived in the State at the time the act was committed for which registration is required.

B. Registration Requirements

A **registrant shall** register with the **appropriate supervising authority in the State if the registrant was sentenced to a term of imprisonment before the date that the registrant is released; or** within three days of **the date that the registrant**:

1. Resident Sex Offenders
 - a. **Is** granted probation before judgment;
 - b. **Is** granted probation after judgment;
 - c. **Is** granted a suspended sentence; or
 - d. **Receives** a sentence that does not include **a term of** imprisonment; or
 - e. **Is released from** the juvenile court's jurisdiction under § 3-8A-07 of the Courts Article, if the **person** was a minor who lived in the state at the time the act was committed for which registration is required.
2. Non Resident Sex Offenders
 - a. **Establishes** a temporary or permanent residence in this state; or
 - b. **Begins** to habitually live in the state or
 - c. **Applies** for a driver's license in **the** state or
 - d. **Begins** employment in the state or
 - e. **Registers** as a student in the state or
 - f. **Enters** the state as a transient.

All changes of name, residence, employment, enrollment **at an institution of higher education in the state**, telephone numbers, internet identifiers, electronic mail, or vehicle **or license plate** information must be reported within 3 days of the change to each designated local law enforcement unit where the **registrant resides, will reside or** habitually lives. Registered Sex Offender Change of Information Forms will be maintained by the Sex Offender Registry Squad for registrants that need to change their information. See Appendix C in this directive for the Registered Sex Offender Change of Information Form.

C. Tier I Sex Offender

Tier I Sex Offender shall register in person with a local law enforcement *unit* every six months for *a term of* 15 years.

D. Tier II Sex Offender

Tier II Sex Offender shall register in person with a local law enforcement *unit* every six months for *a term of* 25 years.

E. Tier III Sex Offender

Tier III Sex offender shall register in person with a local law enforcement *unit* every three months for *a term of the life of the registrant*.

F. Sexually Violent Predator

Sexual Violent Predator shall register in person with a local law enforcement *unit* every three months for *the term of their respective tier*.

G. Homeless Registrant

A homeless *Registrant* shall register once a week in person, *during the time the homeless registrant habitually lives in the county. The registration requirements are in addition to any other 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.*

VI. RESPONSIBILITIES OF THE POLICE DEPARTMENT

The CID-Major Crimes Section, Sex Offender Registry Squad is responsible for all Sex Offender registrations. All registrations will take place at Eastern District during advertised hours. The Sex Offender Compliance Squad is also responsible for the following:

1. Complete the registration via the Offender Watch System and update the registration information via the Maryland Online Sex Offender Registry (MOSOR) *and in RMS/Tiburon*.
2. *Send written notice of a registrant's registration statement, change of address, or change of county in which a homeless sex offender habitually lives to the Anne Arundel County Superintendent of Schools and to all nonpublic primary and secondary schools within 1 mile of where the sex offender is to reside or habitually live or where a sex offender who is not a resident of the State is a transient or will work or attend school. The notice shall be sent as soon as possible but not later than 3 working days after receiving a registration statement of a sex offender, notice of a change of address of a sex offender, or change in a county in which a homeless sex offender habitually lives*
3. Maintain records of all offenders who have registered in Anne Arundel County.
4. Maintain a record of all notification correspondence received and sent by the Department regarding registered offenders.
5. Review records to ensure offenders are registered as required and follow up on all offenders who fail to register.
6. Provide for community notification of registered offenders according to policies established by the Chief of Police.
7. Process all written requests for copies of offender's registration statements.
8. Investigate reports of Sex Offenders who failed to notify any changes of name, residence, employment, higher education enrollment, telephone numbers, internet identifiers, electronic mail, or vehicle information within 3 days of the change.

9. Investigate reports of Sex Offenders who provided false information or failed to provide any required information in their registration statement.

10. Investigate reports of *registrants knowingly* entering onto real property *that is used for public or nonpublic elementary or secondary education; or on which is located a family child care home registered under Title 5, Subtitle 5 of the Family Law Article; a child care home or a child care institution licensed under Title 5, Subtitle 5 of the Family Law Article; or a home where informal child care, as defined where informal child care, as defined in child care subsidy regulations adopted under Title 13A of the Code of Maryland Regulations, is being provided or will be provided to a child who does not reside there.*

11. Coordinate all Sex Offender address verifications, including address verifications of new offenders registering in the county, new addresses of offenders already registered in the county, quarterly address verifications on Sexually Violent Predators, detail related address verifications, and random address verifications.

VII. PROPONENT UNIT: CID – Major Crimes Section, Sex Offense Unit.

VIII. CANCELLATION: This directive cancels Index Code 1002, dated 01-18-18.