

## **MARYLAND SEX OFFENDER REGISTRY**

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## Q1. Who Must Register?

Individuals convicted by a court of law of a sexual offense must register. The term and category of registration depends on the crime of conviction, the age of the victim and the date that the offense was committed.

Maryland has four categories of sex offenders:

- Child Sex Offenders
- Sexually Violent Offenders
- Offenders
- Sexually Violent Predators

The chart below explains how Maryland Law determines the length and category of registration.

### MD SEX OFFENDER REGISTRATION CATEGORY BY CONVICTION

<b>CHILD SEXUAL OFFENDER</b>				
As defined in Criminal Procedure Article § 11-701(b) - Registration Every 6 Months				
<b>Offense</b>	<b>Age of Victim</b>	<b>Article 27</b>	<b>Crim. Law Art.</b>	<b>Registration Term</b>
Sexual Abuse of Minor CPA § 11-707(a)(4)(ii)(3)	Under 12 + offense involved penetration	§ 35C	§ 3-602	Lifetime
Sexual Abuse of Minor	Under 18	§ 35C	§ 3-602	10 years
1st Degree Rape	Under 15	§ 462(a)	§ 3-303(c)	Lifetime
1st Degree Rape + Child Kidnapping	Under 16		3-303(2)(b)	Lifetime
2nd Degree Rape	Under 15	§ 463(a)	§ 3-304(a)(3)	Lifetime
1st Degree Sex Offense	Under 15	§ 464(a)	§ 3-305(c)	Lifetime
1st Degree Sex Offense + Child Kidnapping	Under 16		3-305(2)(b)	Lifetime
2nd Degree Sex Offense	Under 15	§ 464A(a)	§ 3-306(a)(3)	Lifetime
3rd Degree Sex Offense	Under 15	§ 464B(a)	§ 3-307(3), (4) and (5)	Lifetime
All Attempted Offenses Above and All Comparable Common Law Offenses	As defined above	§ 12A-1	§§ 3-309 to 312	Lifetime
4th Degree Sex Offense (and ordered by the court to register)	Under 15	§ 464C(a)	§ 3-308((b)(2) and (3)	10 years

<b>SEXUALLY VIOLENT OFFENDER</b>				
As defined in Criminal Procedure Article § 11-701(f) - Registration Every 6 Months				
<b>Offense</b>	<b>Age of Victim</b>	<b>Article 27</b>	<b>Crim. Law Art.</b>	<b>Registration Term</b>
1st Degree Rape	15 years & older	§ 462(a)	§ 3-303	Lifetime
2nd Degree Rape	15 years & older	§ 463(a)	§ 3-304	Lifetime
1st Degree Sex Offense	15 years & older	§ 464(a)	§ 3-305	Lifetime
2nd Degree Sex Offense	15 years & older	§ 464A(a)	§ 3-306	Lifetime
3rd Degree Sex Offense	15 years & older	§ 464B(a)	§ 3-307	Lifetime
All Attempted Offenses Above and All Comparable Common Law Offenses	As defined above	§12A-1	§§ 3-309 to 312	Lifetime
<b>OFFENDER</b>				
Convictions in this Category Must Be Ordered By The Court To Register - Registration Every 6 Months				
As defined in the Criminal Procedure Article § 11-701(d)				
<b>Offense</b>	<b>Age of Victim</b>	<b>Article 27</b>	<b>Crim. Law Art.</b>	<b>Registration Term</b>
Child Abduction	Under 16	§ 1	§ 11-305	10 years
Kidnapping	12 years & older	§ 337	§ 3-502	10 years
Child Kidnapping	Under 12	§ 338	§ 3-503	10 years
False Imprisonment (not parent)	Under 18	Common Law	Common Law	10 years
Fourth Degree Sex Offense	Under 18	§ 464C(a)	§ 3-308(b)(1)	10 years
Child Pornography	Under 18	§ 419A	§ 11-207	10 years
Distribution and Manufacturing of Child Pornography	Under 18	§§ 15, 426-433	§§11-303 to 306	10 years
Incest	Under 18	§ 335	§ 3-323	10 years
Perverted Sex Practices	Under 18	§ 554	§ 3-322	10 years
Sodomy	Under 18	§ 553	§ 3-321	10 years
Indecent Exposure	Under 18	Struck Down by MD Court of Appeals 2009		N/A
Soliciting Minor to Engage in Sexual Conduct	Under 18	N/A	§ 3-324	10 years
Crimes that involve conduct that by its nature is a sexual offense against an individual under the age of 18 as defined in CPA 11-701(d)(7)	Under 18	N/A	e.g. § 3-315, §11-203, §11-208	10 years
All Attempted Offenses Above and All Comparable Common Law Offenses	As defined above			10 Years

### **SEXUALLY VIOLENT PREDATOR**

As defined in the Criminal Procedure Article § 11--701(h) - Registration Occurs Every 3 Months

How the "Predator" status is determined and court ordered is described in [Criminal Procedure Article § 11-703](#), Annotated Code of Maryland.

NOTE: "Convicted" is when the person: (1) is found guilty of a crime by a jury or judicial officer; (2) enters a plea of guilty or nolo contendere; (3) is granted a probation before judgment\*\* after a finding of guilt for a crime if the court, as a condition of probation, orders compliance with the requirements of this subtitle; (4) is found not criminally responsible for a crime.

**NOTE: See the SOCEM home page to download a PDF of the chart above**

### ***Retroactive Application***

Child Sex Offenders: A defendant is required to register if he is convicted of an offense listed above that was committed before October 1, 1995 and was under the custody or supervision of a supervising authority on October 1, 2001 for the crime that required registration.

All Other Sex Offenders: A defendant is required to register if he is convicted of an offense listed above that was committed before July 1, 1997 and was under the custody or supervision of a supervising authority on October 1, 2001 for the crime that required registration.

NOTE: "Under the custody or supervision of a supervising authority" means the offender was: incarcerated in a county detention center or Division of Correction facility; under the supervision of the Division of Parole and Probation; or was under the direct supervision of the Court.

### ***Out-of-State Conviction as a Sexually Violent Predator***

An individual must register as a sexually violent predator if, before moving into this state, the individual was required to register by another state, federal, military, or Native American tribal court every 90 days for life.

## **Q2. When Does Registration Occur?**

All registrants must register with a supervising authority or with the designated local law enforcement unit.

Maryland Residents:

- Within 5 days of changing residences
- Within 5 days of release to probation from a correctional facility if a registration
- Within 5 days of ending permanent residency in Maryland

Non-Residents:

- Within 14 days of beginning employment
- Within 14 days of registering as a student in a Maryland school
- Within 14 days of entering the State as a transient individual
- Within 7 days of beginning permanent residency in Maryland
- Within 5 days of ending permanent residency in Maryland

All Child Sexual Offenders, Sexually Violent Offenders, and Offenders must register initially with both the appropriate supervising authority and the designated local law enforcement unit; thereafter, they must register semi-annually in person with the designated local law enforcement unit.

Sexually Violent Predators must register initially with the appropriate supervising authority and thereafter every 90 days in person with the designated local law enforcement unit.

### **Q3. How Long Does Registration Last?**

Different states have different lengths of sex offender registration. Maryland has two lengths of registration 10 years and life. The length of registration is determined by the sex offender's conviction. For Maryland convictions the chart in question 1 explains which convictions carries what length of registration.

#### **Maryland Convictions:**

- Sexually Violent Predator = Lifetime Registration
- Sexual Violent Offender = Lifetime Registration
- Child Sex Offender\* = Lifetime Registration
- Offender = 10 Year Registration and it Must be Ordered by the Court

\* A sex offender convicted of "Sexual Abuse of a Minor" without a court's determination that there was penetration of a victim under the age of 12 carries a 10 year registration period.

#### **Out-of-State Convictions**

A person residing in Maryland but who has a registration obligation in another state must register in Maryland for the period of registration required by the convicting state.

Each case will be reviewed by the Maryland Sex Offender Registry on an individual basis in consultation with the convicting state or jurisdiction.

Examples:

- A person convicted of a 3rd degree sex offense against a 14 year old child in New York and who is required by New York to register as an "offender" for 20 years will be required to register in Maryland as a "Child Sex Offender" for Life years.
- A person convicted of a 1st degree sex offense against a 23 year old person in New York and who is required to register by New York for life as a "Sex Offender" will be required to register in Maryland as a "Sexually Violent Offender" for life.

Non-resident registrants who are working or attending school in Maryland must register for the period of time specified for the category of registration, or until the registrant's employment or student enrollment in Maryland ends (if that occurs before termination of the registration period).

#### **Q4. Why would a registrant be removed from the Sex Offender Registry?**

***Death*** - Upon receipt of a death notice for a registrant from a designated local law enforcement unit, supervising authority, or other official source, the registrant's name and other identifying information is removed from the registry.

***Relocation*** - When a registrant moves out-of-state, the name is removed from the registry and the central registry in the new State is notified.

***Expiration of Registration*** - When a registrant's term of registration is completed the name and other identifying information is removed from the registry.

***Pardon, Expungement or Overturned Conviction*** - If a registrant is able to get a pardon, an expungement or have the qualifying conviction overturned the name and other identifying information is removed from the registry.

#### **Q5. What Does a Registration Statement Contain?**

A registrant's registration statement contains the following information:

- Name, address, State Identification Number, FBI Number, and social security number
- Registrant's age
- Place of employment or school
- Place of enrollment or employment at an Institution of Higher Education in Maryland
- Registration Category (Child Sexual Offender, Offender, Sexually Violent Offender, or Sexually Violent Predator)
- Term of registration (ten years or life),
- Residency Information - Maryland resident or non-resident (student or worker)
- A legal description of crime committed by registrant
- Dates of conviction, offense, and release
- Any aliases used

- Internet Identifiers (e-mail address or screen name)
- Vehicle information (vehicle make, model and color; and license plate)
- Victim's date of birth
- Jurisdiction (location of the state, federal, military, or tribal court where convicted and sentenced)

The registration statement also contains the registrant's photograph and fingerprints.

#### **Q6. What Happens If a Registrant Changes Address?**

If the registrant changes address, including moving out of state, he or she is required to notify the Department of Public Safety and Correctional Services in writing within seven days.

If the registrant appropriately notifies the Department or the law enforcement agency where he or she has been residing, the Maryland Sex Offender Registry will notify the new county's local law enforcement unit, the SOR unit in the new state of residence, or the designated federal unit if the registrant's conviction occurred in a federal, military, or Native American tribal court law.

If the registrant does not notify either the Department or the local law enforcement agency a warrant for his or her arrest will be issued and is subject to penalties under the Criminal Procedure Article § 11-721, Annotated Code of Maryland.

#### **Q7. What Happens If a Registrant Doesn't Register?**

If a sex offender knowingly fails to register, change his or her address or fails to provide a change as directed is subject to the penalties under Criminal Procedure Article, §11-721, Annotated Code of Maryland.

The law states that a registrant who knowingly fails to register, fails to provide notice of change of address, change of enrollment or employment at a Maryland Institution of Higher Education, or who knowingly provides false information may be found guilty of a misdemeanor and may be subject to imprisonment for up to three years or a fine of up to \$5,000 or both.

## **Q8. What about Individuals Who Move into Maryland?**

A person who moves to Maryland and has an obligation to register as a sex offender in another state must register here in Maryland.

A person who moves to Maryland and was convicted of an offense that in another state that constitutes a registerable crime in Maryland must also register.

Sex offenders subject to the Criminal Procedure Article, §§ 11-701--11-721, Annotated Code of Maryland, who move into Maryland must register within seven days of establishing a temporary or permanent residence in Maryland, or applying for a driver's license in this state, whichever occurs earlier.

## **Q9. Do Non-Residents Have to Register?**

A person who is a resident of another state where he or she is required to register and who enters Maryland for the purpose of employment or attending school must register within 14 days of beginning employment or registering as a student.

**Employment** includes working or "carrying on a vocation," and may be full time or part time for a sequential period of the time in Maryland exceeding 14 days or for an aggregate period of the time in Maryland exceeding 30 days during any calendar year. The employment or vocation may be financially compensated, volunteered, or for the purpose of government or educational benefit.

**Attending school** includes full-time or part-time attendance at any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education.

## **Q10. Who Are the "Supervising Authorities"?**

"Supervising authorities" include:

- The Department of Public Safety and Correctional Services, specifically:
  - Division of Parole and Probation, for registrants who are under parole or probation supervision, or who are new residents or non-residents; and
  - Patuxent Institution and the Division of Correction, for registrants who are incarcerated in a state correctional facility.

- The courts, for certain registrants granted probation before judgment, probation after judgment, a suspended sentence, or a sentence without a term of incarceration.
- Local or regional detention centers, for registrants who are incarcerated locally; and
- The Department of Health and Mental Hygiene, for registrants in the custody of a DHMH facility.

**Q11. What Does "Release" Mean in This Law?**

"Release" means any type of release from the custody of a supervising authority, including:

- Release on parole, mandatory supervision, work release, and any type of temporary leave other than leave that is granted on an emergency basis.
- When a court grants probation before judgment or probation after judgment, or when a court imposes a suspended sentence or a sentence without a period of incarceration.

"Release" does not include an escape from an institution.

**Q12. Who May Obtain Registration Statements or Registration Information?**

Any member of the public may obtain a copy of an offender's registration statement as governed by State and Federal law. Maryland's law provides for the automatic dissemination of registration information. Copies of registration statements will include the registrant's photograph but will not include fingerprints, social security number, victim information, or any other information prohibited from disclosure under the law.

The registrant's victim, or the parent or legal guardian of a victim who is a minor, is entitled to automatic notification. (Note: a victim who has filed a notification request form under Criminal Procedure Article, § 11-104, need not make a separate written request for a copy of the registrant's registration statement.)

Designated local law enforcement units must also send a copy of a registration statement to an individual who makes a written request.

The Department of Public Safety and Correctional Services may also send a copy of a registration statement or a copy of the central registry, in whole or in

part (by zip code or county) to an individual who makes a written request. Address correspondence to:

Sex Offender Registry Unit  
P.O. Box 5743  
Pikesville, MD 21282-5743  
Telephone: 410-585-3600  
Fax: 410-653-5690  
Email: [Sex Offender Registry Website Response](#)

### **Q13. Are There Any Restrictions on Where a Sex Offender Can Live?**

A perpetrator of sexual assault is very unlikely to be someone who is a stranger to you and your family. Most sexual crimes are committed by someone who has access to you or your children.

- **Approximately two-thirds of rapes** were committed by someone known to the victim.<sup>1</sup>
  - **73% of sexual assaults** were perpetrated by a non-stranger.<sup>1</sup>
  - **38% of rapists** are a friend or acquaintance.<sup>1</sup>
  - **28%** are an intimate partner.<sup>1</sup>
  - **7%** are a relative.<sup>1</sup>
- 
- **797,500 children** (younger than 18) were reported missing in a one-year period of time studied resulting in an average of 2,185 children being reported missing each day.<sup>2</sup>
  - **203,900 children** were the victims of family abductions.<sup>2</sup>
  - **58,200 children** were the victims of non-family abductions.<sup>2</sup>
  - Of the 797,500 kidnappings only **115 children** were the victims of "stereotypical" kidnapping. These crimes involve someone the child does not know or a slight acquaintance who holds the child overnight, transports the child 50 miles or more, kills the child, demands ransom, or intends to keep the child permanently.<sup>2</sup>

<sup>1</sup>U.S. Department of Justice. *2005 National Crime Victimization Study*. 2005.

<sup>2</sup>U.S. Department of Justice. "National Estimates of Missing Children: An Overview" in *National Incidence Studies of Missing, Abducted, Runaway, and Thrown away Children*. 2005.

No, Maryland does not have any residency restrictions. Information put out by other states has shown that residency restrictions do not help to prevent sexual offenses from occurring because the victims and the offenders, in most situations, know each other. Having ready access to victims, in private and secretive environments, is how sex offenders thrive.

Some states, such as Iowa and Florida, have found that residency restrictions can make it very difficult to track sex offenders who have become homeless. Homeless sex offenders are also more difficult to register and without an address the registry is unable to tell the public where the offender lives. Homeless sex offenders are better able to operate in private and secretive environments. By registering a sex offender with a valid address the police, the Sex Offender Registry and the community are all better able to make sure that offender is not able to re-offend.

#### **Q14. Where Can I Get Help if my Child or I Have Been a Victim of Sexual Assault?**

##### ***RAINN (Rape, Abuse, Incest National Network)***

###### **National Sexual Assault Telephone Hotline - 1.800.656.HOPE**

The caller's phone number is not retained, so the call is anonymous and confidential unless the caller chooses to share personally-identifying information.

[RAINN Online Hotline](#)

##### ***Maryland Coalition Against Sexual Assault (MCASA)***

[What To Do If You Are Raped](#)

[Maryland Rape Recovery Centers](#)

[Sexual Assault Legal Institute \(SALI\) - Direct Civil Legal Services for Victims and Survivors](#)

**MCASA's SALI provides direct civil legal services for victims and survivors of sexual assault regarding:**

- College Administrative Hearings
- Privacy Issues
- Peace and Protective Orders
- Family Law Matters (intimate partner assault)
- Employment
- Housing
- Crime Victims Compensation
- Referrals for Tort Cases
- Any other civil matter relating to sexual assault (some limitations regarding incest).

**Q15. Where Can I Get a Copy of Maryland's Sex Offender Registration Law?**

All of Maryland's laws can be found online at the Maryland State Law Library website: [Sources of Maryland Law](#)

Sex Offender Registration law is in the Criminal Procedure Article, § 11-701 through § 11-721, Annotated Code of Maryland.

Definitions of Sexual Offenses and Other Registerable Crimes can be found in the Criminal Law Article under subtitles 3, 5, and 6, Annotate Code of Maryland. Use the **chart in Q1** to identify specific citations for each registerable offense.