

90.0 SEX OFFENDER REGISTRATION

PURPOSE: To comply with Maryland Law by initiating actions regarding the tracking of known sex offenders who have been convicted of qualifying crimes regarding registration.

Definitions:

“Employment” means an occupation, job, or vocation that is full time or part time for a period exceeding 14 days or for an aggregate period exceeding 30 days during a calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit.

“Habitually lives” means any place where a person lives, sleeps, or visits with any regularity, including where a homeless person is stationed during the day or sleeps at night. There includes any place where a person visits for longer than a 5 hours per visit more than 5 times within a 30-day period.

“Homeless” means having no fixed residence.

“Imprisonment” means incarceration pursuant to a conviction, regardless of the nature of the institution in which the offender serves the sentence.

“Local Law Enforcement Agency” means the agency in a county that has been designated by resolution of the County Governing Body as the Primary Law Enforcement Unit in the county.

For purposes of this order, “Local Law Enforcement Agency” is synonymous with the Washington County Sheriff’s Office. (On July 18, 1995, the Board of County Commissioners for Washington County passed a resolution designating the Washington County Sheriff’s Office to act in this capacity.)

“Release” includes release on parole, mandatory supervision release, and 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 a part of a supervising authority’s graduated release program. Release does not include an escape or leave that is granted on an emergency basis.

“Sex Offender” means a person who has been convicted of:

- A. An offense that would require the person to be classified as a Tier I Sex Offender, Tier II Sex Offender, or a Tier III Sex Offender;
- B. An offense committed in another state or in a 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

- C. 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.

"Sexually violent offense" means:

- A. A violation of §§ 3-303 through 3-307 or §§ 3-309 through 3-312 of the Criminal Law Article;
- B. Assault with intent to commit rape in the first or second degree or a sexual offense in the first or second degree as prohibited on or before September 30, 1996, under former Article 27, § 12 of the Annotated Code of Maryland.
- C. A crime committed in another state or in a federal, military, or Native American tribal jurisdiction that, if committed in this State, would constitute one of the crimes listed in A and B of this subsection.

"Sexually violent predator" means a person who:

- A. Is convicted of a subsequent sexually violent offense; and
- B. Has been determined in accordance with the Sex Offender Registration law to be at risk of committing another sexually violent offense.

"Student" means an individual who:

- A. Is enrolled in or attends an education institution, including a public or private secondary school, trade or professional school, or an institution of higher education.

"Supervising Authority" means:

- A. The Secretary of Public Safety and Correctional Services if the registrant is in the custody of a correctional facility operated by the Department of Public Safety and Correctional Services,
- B. The Administrator of a local correctional facility, if the registrant, including a participant in a home detention program, is in the custody of a local correctional facility.
- C. The court that granted the probation or suspended sentence, except if the registrant is under the supervision of parole and probation, if the registrant

is granted probation before judgment, probation after judgment, or a suspended sentence;

- D. The Director of the Patuxent Institution, if the registrant is in the custody of the Patuxent Institution;
- E. The Secretary of Health and Mental Hygiene, if the offender is in the custody of a facility operated by the Department of Health and Mental Hygiene;
- F. 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.
- G. The Secretary of Public Safety and Correctional Services, 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;
- H. The Secretary of Public Safety and Correctional Services, if the registrant moves to this State and was convicted in another state of a crime that would require the registrant to register if the crime was committed in this State;
- I. 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;
- J. The Director of Parole and Probation, if the registrant is under the supervision of the Division of Parole and Probation; or
- K. The Secretary of Juvenile Services, if the registrant was a minor at the time of the act was committed for which registration is required.

“Tier I Sex Offender” means a person who has been convicted of:

- A. Conspiring to commit, attempting to commit, or committing a violation of § 3-308 of the Criminal Law Article;
- B. Conspiring to commit, attempting to commit, or committing a violation of § 3-902 or § 11-208 of the Criminal Law Article, if the victim is a minor;
- C. A crime committed in a federal, military, tribal, or other jurisdiction that, if committed in this State, would constitute one of the crimes listed in A and B of this subsection;

D. Any of the following federal offenses:

- a. Misleading domain names on the Internet under 18 U.S.C. § 2252B;
- b. Misleading words or digital images on the Internet under 18 U.S.C. § 2252C;
- c. Engaging in illicit conduct in foreign places under 18 U.S.C. § 2423 (c);
- d. Failure to file a factual statement about an alien individual under 18 U.S.C. § 2424;
- e. Transmitting information about a minor to further criminal sexual conduct under 18 U.S.C. § 2425;
- f. Sex Trafficking by force, fraud, or coercion under 18 U.S.C. § 1591; or
- g. Travel with intent to engage in illicit conduct under 18 U.S.C. § 2423 (b);

E. Any military offense specified by the Secretary of Defense under Section 115(A)(8)(C)(i) of public law 105-119 (codified at 10 U.S.C. § 951 Note) that is similar to those offense listed in item D of this subsection.

F. A crime 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 the crime were committed in this State, would constitute one of the crimes listed in items (a) through (c) of this subsection.

“Tier II Sex Offender” means a person who has been convicted of:

- A. Conspiring to commit, attempting to commit, or committing a violation of § 3-307(a)(4) or (5), § 3-324, § 11-207, or § 11-209 of the Criminal Law Article;
- B. Conspiring to commit, attempting to commit, or committing a violation of § 11-303, § 11-305, or § 11-306 of the Criminal Law Article, if the intended prostitute or victim is a minor;
- C. Conspiring to commit, attempting to commit, or committing a violation of § 3-314 or § 3-603 of the Criminal Law Article, if the victim is a minor who is at least 14 years old;
- D. Conspiring to commit, attempting to commit, or committing an offense that would require the person to register as a tier I sex offender after the person was already registered as a tier I sex offender;

- E. A crime that was committed in a federal, military, tribal, or other jurisdiction that, if committed in this State, would constitute one of the crimes listed in items (a) through (c) of this subsection; or
- F. A crime 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 the crime were committed in this State, would constitute one of the crimes listed in items (a) through (c) of this subsection.

“Tier III Sex Offender” means a person who has been convicted of:

- A. Conspiring to commit, attempting to commit, or committing a violation of:
 - a. § 2-201(a)(4)(viii), (x), or (xi) of the Criminal Law Article;
 - b. § 3-303, § 3-304, § 3-305, § 3-306, § 3-307(a)(1) or (2), § 3-309, § 3-310, § 3-311, § 3-312, § 3-315, § 3-323, or § 3-602 of the Criminal Law Article;
 - c. § 3-502 of the Criminal Law Article, if the victim is a minor;
 - d. § 3-502 of the Criminal Law Article, if the victim is an adult, and the person has been ordered by the court to register under this subtitle; or
 - e. The common law offense of sodomy or § 3-322 of the Criminal Law Article if the offense was committed with force or threat of force;
- B. Conspiring to commit, attempting to commit, or committing a violation of § 3-307(a)(3), § 3-314, § 3-503, or § 3-603 of the Criminal Law Article, if the victim is under the age of 14 years;
- C. Conspiring to commit, attempting to commit, or committing the common law offense of false imprisonment, if the victim is a minor;
- D. Conspiring to commit, attempting to commit, or committing an offense that would require the person to register as a tier I or tier II sex offender after the person was already registered as a tier II sex offender;
- E. A crime committed in a federal, military, tribal, or other jurisdiction that, if committed in this State, would constitute one of the crimes listed in items (a) through (c) of this subsection; or
- F. A crime 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 the crime were committed in this State, would constitute one of the crimes listed in items (a) through (c) of this subsection.

“Transient” means a nonresident registrant who:

- A. Enters a county of this State with the intent to be in the State or is in the State with the intent to be in the State; or
- B. Is in the State for a period exceeding 14 days or for an aggregate period exceeding 30 days during a calendar year for a purpose other than employment or to attend an education institution.

For the purposes of this order, a person is convicted when the person:

- A. Is found guilty of a crime by a jury or judicial officer;
- B. Enters a plea of guilty or nolo contendere;
- C. 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 Criminal Procedure 11-702; or
- D. Is found not criminally responsible for a crime.

"Department" means the Department of Public Safety and Correctional Services

90.1 Departmental Maintenance of Sex Offender Information

- A. The responsibility for implementation of this General Order to meet requirements of law will be assigned by the Patrol Commander. The position so designated by the Patrol Commander is ultimately responsible to ensure compliance with this order and the governing law.
- B. All inquiries concerning Sex Offender registration will be directed to the position so designated by the Patrol Commander, including, but not limited to:
 - 1. Registration of Sex Offenders
 - 2. Sex Offenders wishing to report a change of address
 - 3. Any other Sex Offender registration matter
- C. Individual files will be maintained on each Sex Offender, and will contain all documentation related to the offender to include, but not limited to: Notice from Supervising Authorities, Notices from Other Law

Enforcement Agencies, Offender Registrations, Information given to civilian organizations, and Request from interested parties for information.

- D. Files will be maintained in a secure area, as directed by the Patrol Commander. Information will only be released in accordance with State Law and this Order.
 - E. The position so designated by the Patrol Commander shall review governing law on an annual basis (at a minimum) and recommend any changes to this order, if needed.
- 90.2 Sex Offenders shall be given a copy of their Registration Requirement form when completed. The Sex Offender shall sign the form indicating he received a copy.

90.3 Persons Required to Register as Sexual Offenders

- A. A person shall register with the person's supervising authority if the person is:
 - 1. A Tier I Sex Offender;
 - 2. A Tier II Sex Offender;
 - 3. A Tier III Sex Offender;
 - 4. A sex offender who is required to register by another jurisdiction, a federal, military, or tribal court, or a foreign government, and who is not a resident of this state, and who enters this state:
 - a. to begin residing or to habitually live;
 - b. carry on employment;
 - c. to attend a public or private educational institution, including a secondary school, trade or professional institution, or institution of higher education, as a full-time or part-time student;
 - d. as a transient.
 - 5. Notwithstanding any other provision of Maryland law, a person is no longer subject to registration under the Sex Offender Registration laws if:
 - a. The underlying conviction requiring registration is reversed, vacated, or set aside; or
 - b. The registrant is pardoned for the underlying conviction.

- B. In this section, "resident" means a person who lives 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 court's jurisdiction, if the person was a minor who lived in the state at the time the act was committed for which registration is required.
- C. A registrant shall register with the supervising authority:
1. If the registrant was sentenced to a term of imprisonment before the date that the registrant is released; or within 3 days of the date that the registrant;
 - 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;
 2. If the registrant moves into the State, within 3 days after the earlier of the date that the registrant:
 - a. Establishes a temporary or permanent residence in the State; or
 - b. Applies for a driver's license in the State; or
 - c. Begins to habitually live in the State.
 3. If the registrant is not a resident, within 3 days after the registrant:
 - a. Begins employment in the State;
 - b. Registers as a student in the State; or

- c. Enters the State as a transient.
- D. A sex offender shall also register in person with the Washington County Sheriff's Office when the sex offender will reside in Washington County:
 - 1. Within 3 days after release, if the sex offender is a resident; or
 - 2. Within 3 days after registering with the supervising authority, if the registrant is moving into this State.
- E. Within 3 days after registering with the supervising authority, a sex offender who is not a resident and who works or attends school in this State shall also register in person with the Washington County Sheriff's Office if the sex offender will work or attend school in Washington County.
- F. A sex offender may be required to give more information than required under § 11-706 of the Criminal Procedures Article.
- G. Within 3 days of any change, a registrant shall notify the local law enforcement unit where the registrant most recently registered and each local law enforcement unit where the registrant will reside or habitually live of changes in:
 - 1. Residence;
 - 2. The county in which the registrant habitually lives;
 - 3. Vehicle or license plate information;
 - 4. Electronic mail or internet identifiers;
 - 5. Home or cell phone numbers; or
 - 6. Employment.
- H. Registration by the Offender with the Sheriff's Office, shall consist of a Maryland Department of Public Safety and Correctional Services "Sex Offender Registration Statement" signed by the offender which shall include:
 - 1. The registrant's name and address;
 - 2. The registrant's place of employment; or
 - 3. The registrant's place of educational institution or school enrollment;

4. For a registrant enrolled, or expecting to enroll, in an institution of higher education in the State as a full-time or part-time student, the name and address of the institution of higher education; or
5. For a registrant who carries on employment, or expects to carry on employment, at an institution of higher education in the State, the name and address of the institution of higher education.
6. A description of the crime for which the registrant was convicted;
7. The date that the registrant was convicted;
8. The jurisdiction in which the registrant was convicted;
9. A list of any aliases, former names, electronic addresses, computer log-in or screen names or identities, instant-messaging identities, and electronic chat room identities that the registrant has used;
10. The registrant's Social Security number;
11. Any other name by which the registrant has been legally known;
12. A copy of the registrant's valid driver's license or identification card;
13. The license plate number and description of any vehicle owned or regularly operated by the registrant and the locations where the vehicles are kept; and
14. The registrant's signature and date signed.
15. Identifying factors, including a physical description;
16. A copy of the Registrant's passport or immigration papers;
17. Information regarding any professional licenses that the registrant holds;
18. All land line and cellular telephone numbers and any other designations used by the sex offender for the purposes of routing or self-identification in telephonic communications.

- I. As soon as possible, and not later than three (3) working days after the offender has registered, the Sheriff's Office shall send a copy of the registration statement to the Department of Public Safety and Correctional Services.

- J. A sex offender shall register every three or six months in person with the Washington County Sheriff's Office for the prescribed term depending on registration classification.
1. Registration shall include a photograph that shall be updated every 6 months.
- J. A sexually violent predator shall register every 90 days in person at the Sheriff's Office.
1. Registration statement shall include the anticipated future residence, if known at the time of registration; and
 2. Documentation of treatment received for a mental abnormality or personality disorder.
- K. The term of registration is:
1. 15 years, if the registrant is a Tier I sex offender;
 2. 25 years, if the registrant is a Tier II sex offender;
 3. The life of registrant, if the registrant is a Tier III sex offender.
- L. A registrant who is not a resident of the State shall register for the appropriate time specified in this subsection or until the registrant's employment or student enrollment in the State ends.
- M. A term of registration described in this section shall be computed from:
1. The last date of release; or
 2. The date granted probation or a suspended sentence.
- N. When a registrant registers, the Sheriff's Office shall:
1. Give written notice to the registrant of the requirements of this order;
 2. Explain the requirements of this order to the registrant, including:
 - a. The duties of a registrant when the registrant changes residence address in this State and the registrant's duties under § 11-705 of the Criminal Procedures Article;
 - b. The requirement for a sex offender to register in person with the local law enforcement unit of the county where the sex offender will reside or where the sex offender who is

not a resident of this State is a transient or will work or attend school; and

- c. The requirement that if the registrant changes residence address, employment, or school enrollment to another state that has a registration requirement, the registrant shall register with the designated law enforcement unit of that state within 3 days after the change; and
- 3. Obtain a statement signed by the registrant acknowledging that the Sheriff's Office explained the requirements of this subtitle and gave written notice of the requirements to the registrant.
- O. The Sheriff's Office shall obtain a photograph and fingerprints of the registrant and attach the photograph and fingerprints to the registration statement. Full sets of fingerprints are obtained on the initial registration only.
- P. For a registrant who has not submitted a DNA sample, as defined in § 2-501 of the Public Safety Article, for inclusion in the statewide DNA database system of the Department of State Police Crime Laboratory, the supervising authority shall:
 - 1. Obtain a DNA sample from the registrant at the registrant's initial registration; and
 - 2. Provide the sample to the Statewide DNA database system of the Department of State Police Crime Laboratory.
- Q. Within 3 days after obtaining a registration statement, the Sheriff's Office shall send a copy of the registration statement with the attached fingerprints and photograph of the registrant to the local law enforcement unit in the county where the registrant will reside or where a registrant who is not a resident is a transient or will work or attend school.
- R. If the registrant is enrolled in or carries on employment at, or is expecting to enroll in or carry on employment at, an institution of higher education, within 3 days after obtaining a registration statement, the Sheriff's Office will send a copy of the registration statement, fingerprints and palm prints and photograph of the registrant to the campus police agency of the institution of higher education.
 - 1. If an institution of higher education does not have a campus police agency, the copy of the registration statement with the attached fingerprints and photograph of the registrant will be provided to the local law enforcement agency having primary jurisdiction for the campus.

- S. As soon as possible but not later than 3 working days after the registration is complete, the Sheriff's Office shall send the registration statement to the Department.
- T. A homeless registrant shall register in person with the Washington County Sheriff's Office, if the offender habitually lives in our county, within 3 days of entering and remaining in our county, after the date of release from the supervising authority or within 3 days after entering and remaining in the county.
 - 1. After initially registering with our agency, a homeless registrant shall register once a week in person during the time the homeless registrant habitually lives in the county. If a registrant who was homeless obtains a fixed address, the registrant shall register with the appropriate supervising authority and local law enforcement unit with 3 days after obtaining a fixed address.
- U. A registrant who is granted a legal change of name by a court shall send written notice of the change to each local law enforcement unit where the registrant resides or habitually lives within 3 days after the change is granted.
- V. Notification of temporary residence or during period of absence;
 - 1. A registrant shall notify each local law enforcement unit where the registrant resides or habitually lives at least 3 days prior to leaving the United States to commence residence or employment or attend school in a foreign country.
 - 2. A registrant shall notify each local law enforcement unit where the registrant resides or habitually lives when the registrant obtains a temporary residence or alters the location where the registrant resides or habitually lives for more than 5 days or when the registrant will be absent from the registrant's residence or location where the registrant resides or habitually lives for more than 7 days.

90.4 Dissemination of Registration Information

- A. Every 3 or 6 months within 3 days after a sex offender completes the registration requirements, the person designated by the Patrol Commander shall send notice of the sex offender's registration to the Department.
- B. As soon as possible but not later than 3 working days after receiving a registration statement of a sex offender or notice of a change of address of a sex offender, the Sheriff's Office shall send written notice of the registration statement to the county superintendent, as defined in § 1-101 of the Education Article, and to all non-public primary and secondary

schools in the county within one (1) mile of where the sex offender is to reside or where a sex offender who is not a resident of the State is a transient, or will work or attend school.

- C. The Sheriff's Office shall send a copy of the notice to the police department, if any, of a municipal corporation if the registrant:
1. Is to reside or habitually live in the municipal corporation after release;
 2. Escapes from a facility but resided in the municipal corporation before being committed to the custody of a supervising authority; or
 3. Is to change addresses to another place of residence within the municipal corporation.

90.5 Notification of Escaped/Recaptured Registrants

- A. If a registrant escapes from a facility, the supervising authority of the facility by the most reasonable and expedient means available shall immediately notify:
1. The local law enforcement unit where the registrant resided or habitually lived before the registrant was committed to the custody of the supervising authority; and
 2. Each person who is entitled to receive notice under of this order.
- B. If the registrant is recaptured, the supervising authority shall send notice, as soon as possible but not later than 2 working days after the supervising authority learns of the recapture, to:
1. The local law enforcement unit in the jurisdiction where the registrant resided or habitually lived before the registrant was committed to the custody of the supervising authority; and
 2. Each person who is entitled to receive notice under this order.

90.6 Persons Entitled to Copies of Registration Statements

- A. On request for a copy of a registration statement about a specific person, the supervising authority shall send a copy to:
1. Each witness who testified against the registrant in a court proceeding involving the crime; and
 2. Each person specified in writing by the State's Attorney.

- B. Subject to C. of this section, the supervising authority shall send a copy of a registration statement to each:
 - 1. Victim of the crime for which the registrant was convicted; or
 - 2. If the victim is a minor, the parents or legal guardian of the victim.
- C. A copy of the registration statement shall be sent if:
 - 1. A request is made in writing about a specific registrant; or
 - 2. A notification request form has been filed under § 11-104 of the Criminal Procedures Article.
- D. 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. A supervising authority shall send a notice required under subsection or of this order to the last address given to the supervising authority.
- F. A registration statement given to a person under this subtitle shall include a copy of the completed registration form and a copy of the registrant's photograph, but need not include the fingerprints of the registrant.
- G. Subject to this section, on written request, the Sheriff's Office shall send to the person who submitted the request one copy of the registration statement of each registrant on record with the unit.
- H. A request under this section shall contain:
 - 1. The name and address of the person who submits the request; and
 - 2. The reason for the request.
- I. The Sheriff's Office shall keep records of all written requests received under this section.
- J. If the Sheriff's Office determines that, to protect the public from a specific registrant, it is necessary to give notice of a registration statement to a particular person, then notice shall be given of the registration statement to that person.
- K. The Sheriff's Office may not release the identity of a victim of a crime that requires registration pursuant to this order.
- L. A disclosure under this section does not limit or prohibit any other disclosure allowed or required under law.

90.7 Civil Liability

An elected public official, public employee, or public unit has the immunity described in §§ 5-302 and 5-522 of the Courts Article regarding civil liability for damages arising out of any action relating to the provisions of the Criminal Procedures Article, Sections §§ 11-701 to 11-727, unless it is proven that the official, employee, or unit acted with gross negligence or in bad faith.

90.8 Legal Authority for Activities in this Order

Departmental activities in this Order are in accordance with the Criminal Procedures Article, Sections §§ 11-701 to 11-727. While all aspects of those sections are not found in this Order, the section is incorporated, in its entirety, into policy by way of reference.