

# Maryland Sex Offender Registry

## Frequently Asked Questions



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# Maryland Sex Offender Registry Frequently Asked Questions

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## 1. 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.

"Convicted" means 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; or

(4) Is found not criminally responsible for a crime.

## 2. How are sex offenders classified?

There are three tiers, based upon an offender's risk of committing another sex crime and harm to the community: Tier I, Tier II, and Tier III.

- **Tier I** - These registrants have been convicted in Maryland of a crime listed below or convicted in another jurisdiction of a Tier I offense and have a statutory obligation to register. Victim age is irrelevant except where specifically noted. These registrants register for 15 years.
  - 4th Degree Sex Offense - Criminal Law Article, § 3-308 or Art. 27 § 464C
  - Visual Surveillance with Prurient Intent- Criminal Law Article, § 3-902 or Art. 27 § 579B
  - Possession of Child Pornography - Criminal Law Article, § 11-208 or Art. 27 § 419B
  - Engaging in Illicit Conduct in Foreign Places - 18 USC § 2423(c)
  - Failure to File Factual Statement About an Alien Individual - 18 USC § 2424
  - Misleading Domain Names on the Internet - 18 USC § 2252B
  - Misleading Words or Digital Images on the Internet - 18 USC § 2252C
  - Sex Trafficking by Force, Fraud or Coercion - 18 USC § 1591
  - Transmitting Information About a Minor to Further Criminal Sexual Conduct - USC § 2425
  - Travel w/Intent to Engage in Illicit Conduct -18 USC § 2423(b)
  - Attempts or conspiracies to commit any of the above offenses

- o **Tier II** - These registrants have been convicted in Maryland of a crime listed below or convicted in another jurisdiction of a Tier II offense and have a statutory obligation to register. Victim age is irrelevant except where specifically noted. These registrants register for 25 years.
  - Abduction of a Child under 16 for Prostitution - Criminal Law Article, § 11-305 or Art. 27 § 1
  - Distribution, Manuf. and Transp. of Child Pornography - Criminal Law Article, § 11-207 or Art. 27 § 419A
  - Hiring a Minor for a Prohibited Purpose - Criminal Law Article, § 11-209 or Art. 27 § 420
  - House of Prostitution (Victim under 18) - Criminal Law Article, § 11-306 or Art. 27 § 431
  - Human Trafficking (Victim under 18) - Criminal Law Article, § 11-303 or Art. 27 § 428
  - Sale of a Minor – (Victim age 14, 15, 16, 17) Criminal Law Article, § 3-603 or Art. 27 § 35E
  - Sexual Conduct between a Correctional or DJS employee and an inmate or confined child (Victim age 14, 15, 16, or 17) Criminal Law Article, § 3-314 or Art. 27 § 464G
  - 3rd Degree Sex Offense - (Sexual act) - (Victim age 14 or 15 and Offender is age 21 or older) – Criminal Law Article, § 3-307(A)(4) or Art. 27 § 464B (4)
  - 3rd Degree Sex Offense – (Vaginal Intercourse) - (Victim age 14 or 15 and Offender is age 21 or older) - Article, § 3-307(A)(5) or Art. 27 § 464B (5)
  - Sexual Solicitation of a Minor - Criminal Law Article, § 3-324
  - A registrant with two Tier I convictions must register in the Tier II category
  - Attempts or conspiracies to commit any of the above offenses

**Tier III** - These registrants have been convicted in Maryland of a crime listed below or convicted in another jurisdiction of a Tier III offense and have a statutory obligation to register. Victim age is irrelevant except where specifically noted. These registrants register for life.

- Assault with Intent to Rape, or Sexually Abuse - Art. 27 § 12A
- Child Kidnapping - Under the age of 12 or Abduction of a Child under 12 - Criminal Law Article, § 3-503 or Art. 27 §§ 2, an 338
- Continuing Course of Conduct with a Child - Criminal Law Article, § 3-315
- False Imprisonment of a Minor - Common Law
- Forcible Sodomy - Criminal Law Article, § 3-321 or Art. 27 § 553
- Incest - Criminal Law Article, § 3-323 or Art. 27 § 335
- Kidnapping of an Adult-if the offense is sexual in nature - Criminal Law Article, § 3-502 or Art. 27 § 337
- Murder w/ intent to Rape, Sexually Offend, or Sexually Abuse a Minor - Criminal Law Article, § 2-201(a)(4)(viii), (x), or (xi) or Art. 27 § 410

- 1st Degree Rape - Criminal Law Article, § 3-303 or Art. 27 § 462
- 2nd Degree Rape - Criminal Law Article, § 3-304 or Art. 27 § 463
- Sexual Abuse of a Minor - Criminal Law Article, § 3-602
- Sale of a Minor –Victim less than 14 years old - Criminal Law Article, § 3-603 or Art. 27 § 35E
- 1st Degree Sex Offense - Criminal Law Article, § 3-305 or Art. 27 § 464
- 2nd Degree Sex Offense - Criminal Law Article, § 3-306 or Art. 27 § 464A
- 3rd Degree Sex Offense - (force, threat, weapon or incapacitation) – Criminal Law Article, § 3-307(a)(1) or Art. 27 § 464B(a)(1)
- 3rd Degree Sex Offense - (victim who is mentally defective or incapacitated, or physically incapacitated) - Criminal Law Article, § 3-307(a)(2) or Art. 27 § 464B(a)(2)
- 3rd Degree Sex Offense (Victim less than 14) - Criminal Law Article, § 3-307(a)(3) or Art. 27 § 464B(a)(3)
- Sexual Conduct between a Correctional or DJS employee and an inmate or confined child (Victim less than 14) - Criminal Law Article, § 3-314 or Art. 27 § 464G
- Forcible Unnatural or Perverted Practice - Criminal Law Article, § 3-322 or Art. 27 § 554
- Attempted 1st Degree Rape - Criminal Law Article, § 3-309 or Art. 27 § 464F(b)
- Attempted 2nd Degree Rape - Criminal Law Article, § 3-310 or Art. 27 § 464F(a)
- Attempted Sex Offense 1st Degree - Criminal Law Article, § 3-311 or Art. 27 § 464F(b)
- Attempted Sex Offense 2nd Degree - Criminal Law Article, § 3-312 or Art. 27 § 464F(a)
- Attempts or conspiracies to commit any of the above offenses
- A registrant with two Tier II convictions, or a Tier I and Tier II convictions, must register in the Tier III category

### 3. When Does Registration Occur?

- All registrants must register with a supervising authority or with the designated local law enforcement unit.
  - Tier I Registrants must register in person every 6 months
  - Tier II Registrant must register in person every 6 months
  - Tier III Registrants must register in person every 3 months

All registrants must initially register with a supervising authority or with the designated local law enforcement unit within:

- 3 days of release to community supervision from the court
  - Prior to release from a correctional facility
  - 3 days of ending permanent residency in Maryland
- Different states have different lengths of sex offender registration. Maryland has three (3) lengths of registration: 15 years, 25 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.

Tier III = Lifetime Registration

Tier II = 25 Years

Tier I = 15 Years

- Successful completion community supervision;
- Successful completion of a sex offender treatment program;
- No convictions for any sex offense; and
- No convictions for any crime with a potential penalty of more than 1 year.

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).

### 4. 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.

### What Does a Registration Statement Contain?

- A registrant's public registration statement contains the following information:
  - Name, address, and age
  - Photograph
  - Place of employment or school
  - Place of enrollment or employment at an Institution of Higher Education in Maryland
  - Registration Category: Tier I, II, or III
  - Term of registration: 15 years, 25 years, or Lifetime
  - Residency Information - Maryland resident or non-resident (student or worker)
  - A legal description of crime or crimes committed by registrant
  - A plain language description of the crime or crimes committed by the registrant
  - Dates of conviction
  - Aliases
  - Vehicle information (vehicle make, model and color; and license plate)
  - Conviction Jurisdiction (location of the state, federal, military, or tribal court where convicted and sentenced)

### 5. 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 three (3) days.

If the registrant appropriately notifies the Department or the law enforcement agency where he or she has been habitually living, the Maryland Sex Offender Registry (MDSORU) 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. The MDSORU

may also contact the U.S. Marshal's if it is believed the registrant absconded to another state.

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

- o 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.

## 7. What are a Registrant's Responsibilities?

- o Each Maryland registrant is required to sign a "Notice of Responsibilities" Form every time he or she registers. The following is a list of registrant responsibilities:
  - **You must register every address and physical location** where you habitually live with your primary registration agency; and in each county where you habitually live, you must notify the designated local law enforcement unit that you habitually live in that county and provide the address or location. *Criminal Procedure Article, § 11-705(c)*
  - **If you become homeless** you must register once a week in person in each county where you habitually live. *Criminal Procedure Article, § 11-705(d)*
  - **All changes in your residence, employment, telephone numbers, internet identifiers, or vehicle information must** be reported within 3 days of the change to each designated local law enforcement unit where you habitually live. *Criminal Procedure Article, § 11-705(e)*
  - **If you permanently move to another jurisdiction or foreign country** you must, 3 days prior to the change: 1) provide the new address, copies of passports, tickets, and travel itineraries to your primary registration agency; 2) register with the designated law enforcement agency of the new jurisdiction; and 3) comply with any registration requirements in the new jurisdiction of residence. *Criminal Procedure Article, § 11-705(h); § 11-705(e); § 11-705(c)(2).*
  - **If you temporarily change residence for 5 or more days; or are absent from where you habitually live for more than 7 days, including travel for business or pleasure** you must: 1) notify, in writing, each designated local law enforcement unit where you habitually live of your



absence from the locations where you habitually live; 2) provide the addresses and locations of your temporary residences; and 3) provide the dates that you will be absent from the locations where you habitually live. Copies of travel documents may be requested by law enforcement personnel. *Criminal Procedure Article, § 11-705(i) & § 11-705(c)(2)*.

- **If you begin employment or enroll in a school in another jurisdiction** while maintaining residence in Maryland, you must also register with the designated law enforcement agency in the new jurisdiction. *Criminal Procedure Article, § 11-705(f)(1)*
- **If you begin or terminate enrollment or employment at an institution of higher education** in the State, you must notify the designated local law enforcement unit where the institution of higher education is located, in person, 3 days after beginning or terminating enrollment or employment. *Criminal Procedure Article, § 11-705(f)(2)*
- **If you establish a new e-mail address**, computer login or screen name or identity, instant-message identity or electronic chat room identity shall send written notice of the new information to the MD State Sex Offender Registry within 3 days of the change. *Criminal Procedure Article, § 11-705(j)*
- **You may not knowingly enter onto real property** (1) that is used for public or nonpublic elementary or secondary education; or (2) on which is located: (i) a registered Child Care Home or (ii) Child Care Institution. A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding five years or a fine not exceeding \$5,000 or both. (*Criminal Procedure Article, § 11-722*)
- **If you are granted a legal change of name by a court**, you must send written notice of the change within 3 days to each designated local law enforcement unit where you habitually live. *Criminal Procedure Article, § 11-705(g)*

## **8. 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--11-722, Annotated Code of Maryland, who move into Maryland must register within three (3) days of establishing a temporary or permanent residence in Maryland, or applying for a driver's license in this state, whichever occurs earlier.

## 9. Do Non-Residents Have to Register?

- o 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 three (3) 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 fourteen (14) days or for an aggregate period of the time in Maryland exceeding thirty (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.

## 10. Who Are the "Supervising Authorities"?

- o "Supervising authorities" include:
  - The Department of Public Safety and Correctional Services, specifically:
    1. Division of Parole and Probation, for registrants who are under parole or probation supervision, or who are new residents or non-residents; and
    2. 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.

## **11. What Does "Release" Mean in This Law?**

- o "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.

All sex offenders must register PRIOR to release from any correctional facility.

## **12. Who May Obtain Registration Statements or Registration Information?**

- o 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

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

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.

### **14. How do I contact the Maryland Sex Offender Registry?**

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