

Chapter 05 Intake

Section 03 - Sexual Offender Registration Procedures

Authority: Criminal Procedure Article, §§ 11-701, **et seq.**—~~11-724~~,
Annotated Code of Maryland

A. Introduction.

(1) Maryland law requires sexual offenders to register with the Department's Sex Offender Registry Unit. For registration purposes, the law categorizes sexual offenders as:

- (a) Child sexual offenders;
- (b) Offenders;
- (c) Sexually violent offenders; and
- (d) Sexually violent predators.

(2) An intake reviewer shall note that, in this section, the term *offender* has only the special meaning given below in subsection E(2).

B. Purpose.

The purpose of this section is to establish procedures for:

- (1) Determining at intake whether a parolee, probationer, or mandatory supervisee is required to register as a sexual offender with the Sex Offender Registry Unit and local law enforcement unit; and
- (2) Initiating registration at intake with the Sex Offender Registry Unit and local law enforcement unit.

C. Definitions.

- (1) In this section, the following terms have the meanings indicated.
- (2) Terms defined.
 - (a) "Convicted" means a final judgment on a criminal charge for which an individual:
 - (i) Is found guilty;
 - (ii) Enters a plea of guilty or *nolo contendere*;
 - (iii) Is found not criminally responsible; or

(iv) Is granted probation before judgment after a finding of guilt if the court, as a condition of probation, orders the offender to register as a sexual offender.

(b) "Local law enforcement unit" means the primary law enforcement unit of the county where a sexual offender resides.

(c) "Registration Statement" means the departmental form:

(i) ~~Designated Issued by the Information Technology and Communications Division~~ CJIS-16-A ("Maryland Online Sex Offender Registration"); and

(ii) Used for sexual offender registration.

(d) "Sex Offender Registry Unit" means the Information Technology and Communications Division unit which maintains the Sex Offender Registry.

(e) "Sexual offender" means an individual who is required, by law, to register with the Sex Offender Registry as:

(i) A child sexual offender;

(ii) An offender;

(iii) A sexually violent offender; or

(iv) A sexually violent predator.

D. Determining Whether Registration Is Required.

(1) An intake reviewer shall initiate sexual offender registration at intake for an individual who:

(a) Meets the registration criteria listed below in subsection E or F; and

(b) Has not previously registered with the Central Registry and, if applicable, the local law enforcement unit, for the crime for which the individual is to be supervised.

(2) In some instances, an individual who appears at intake will have already registered with the Sex Offender Registry Unit for the crime for which the individual is to be supervised.

(3) In order to determine whether an individual is currently registered with the Sex Offender Registry Unit pursuant to paragraph (2), an intake reviewer shall conduct the procedures set forth below in subsection G.

(4) If the intake reviewer is unable to determine whether the crime for which an individual is to be supervised requires registration, the intake reviewer shall immediately refer the matter to:

(a) The intake supervisor; or

(b) If an intake supervisor is unavailable, a field supervisor I or above.

(5) A supervisor who receives a referral pursuant to paragraph (4) of this subsection shall identify the exact nature of the crime for which the individual is to be supervised.

(6) In order to identify the exact nature of the individual's crime, the supervisor may include a review of online judicial, correctional and criminal records.

(7) The supervisor who conducts the inquiry and review set forth under paragraphs (5) and (6) of this subsection shall:

(a) Inform the intake reviewer of the result of the inquiry; and

(b) Make a record of the inquiry and the outcome by entering a **case** ~~field~~ note **in the Case Notes System** which:

(i) Specifies the records reviewed;

(ii) States the outcome of the inquiry; and

(iii) Identifies the supervisor.

E. Sexual Offender Registration Criteria and General Information.

(1) **Child sexual offender.** An intake reviewer shall initiate registration of a sexual offender as a child sexual offender if the sexual offender committed one of the following crimes after October 1, 1995 and was subsequently convicted of the crime:

(a) Criminal Law Article, § 3-602, involving sexual abuse of a child under the age of 18;

(b) Criminal Law Article, §§ 3-303 through 3-307, a first or second degree rape or a first, second, or third degree sexual offense involving a child under the age of 15;

(c) Criminal Law Article, § 3-308, a fourth degree sexual offense involving a child under the age of 15, if the sentencing court ordered the individual to register as a sexual offender; or

(d) A crime in another state or in a federal, military, or Native American tribal court that, if committed in this State, would constitute a crime listed in (a) or (b) of this paragraph.

(2) **Offender.** An intake reviewer shall initiate registration of a sexual offender as an offender if the individual committed one of the following crimes on or after July 1, 1997 and was subsequently convicted of the crime and was ordered by the sentencing court to register as a sexual offender:

- (a) Criminal Law Article, § 3-503, for a crime involving the kidnapping of a child under the age of 16;
- (b) Criminal Law Article, § 3-502, for a crime involving the kidnapping of an individual under the age of 18;
- (c) Criminal Law Article, § 3-308, for a crime of fourth degree sexual offense involving a victim under the age of 18;
- (d) The common law crime of false imprisonment if the victim is under the age of 18 and the perpetrator is not the victim's parent;
- (e) A crime involving the soliciting of an individual under the age of 18 to engage in sexual conduct;
- (f) Criminal Law Article, § 11-207, for a crime involving child pornography;
- (g) Criminal Law Article, §§ 11-303 through 11-306, for a crime of pandering or prostitution-related crime if the intended prostitute or victim is under the age of 18;
- (h) Criminal Law Article, § 3-323, for the crime of incest if the victim is under the age of 18;
- (i) Criminal Law Article, § 11-107, for the crime of indecent exposure if the victim is under the age of 18;
- (j) Criminal Law Article, § 3-321, for the crime of sodomy if the victim is under the age of 18;
- (k) Criminal Law Article, § 3-322, for the crime of unnatural or perverted sexual practice if the victim is under the age of 18;
- (l) A crime that involves conduct that by its nature is a sexual offense against a person under the age of 18;
- (m) An attempt to commit a crime listed in items (a)–(l) of this subparagraph; or
- (n) A crime in another state or in a federal, military, or Native American tribal court that, if committed in this State, would constitute a violation listed in items (a)–(m) of this subparagraph.

(3) **Sexually violent offender.** An intake reviewer shall initiate registration of a sexual offender as a sexually violent offender if the sexual offender committed one of the following crimes on or after July 1, 1997 and was subsequently convicted of that crime:

- (a) Criminal Law Article, § 3-303, first-degree rape;
- (b) Criminal Law Article, § 3-304, second-degree rape;

- (c) Criminal Law Article, § 3-305, first-degree sexual offense;
- (d) Criminal Law Article, § 3-306, second-degree sexual offense;
- (e) Criminal Law Article, § 3-307, third degree sexual offense;
- (f) Criminal Law Article, § 3-309, attempt to commit first-degree rape;
- (g) Criminal Law Article, § 3-310, attempt to commit second-degree rape;
- (h) Criminal Law Article, § 3-311, attempt to commit a first-degree sexual offense;
- (i) Criminal Law Article, § 3-312, attempt to commit a second-degree sexual offense;
- (j) Assault with the intent to commit rape in the first or second degree, or assault with the intent to commit a sexual offense in the first or second degree as prohibited on or before September 30, 1996, under former Article 27, § 12; or
- (k) A crime in another state or in a federal, military, or Native American tribal court that, if committed in this State, would constitute a crime listed in items (a)-(j) of this subparagraph.

(4) **Sexually violent predator.** An intake reviewer shall initiate registration of a sexual offender as a sexually violent predator if the sentencing court determined the sexual offender to be a sexually violent predator.

(5) **Probation before judgment and 4th degree sex offenses.** Unless the sentencing court ordered an individual to register as a sexual offender, an intake reviewer may not initiate sexual offender registration for an individual who:

- (a) Received probation before judgment for a crime listed in paragraphs (1) through (3) of this subsection; or
- (b) Was convicted of a fourth degree sexual offense.

(6) **Additional registration requirement for child sexual offenders.** A child sexual offender must register with the Sex Offender Registry Unit as well as the local law enforcement unit of the county where the child sexual offender resides not later than 7 days following the child sexual offender's appearance at intake.

F. Retroactive Registration Requirement.

(1) **Child sexual offender.** An intake reviewer shall retroactively register a sexual offender as a child sexual offender if the individual:

- (a) Was convicted of a crime listed in subsection E(1);

- (b) Committed the subsection E(1) crime before October 1, 1995; and
- (c) Was in the custody or under the supervision of the Department on October 1, 2001.

(2) **Sexually violent offender.** An intake reviewer shall retroactively register a sexual offender as a sexually violent offender if the sexual offender:

- (a) Was convicted of a crime listed in subsection E(3) of this section;
- (b) Committed the subsection E(3) crime before July 1, 1997; and
- (c) Was in the custody or under the supervision of the Department on October 1, 2001.

G. Determining Whether a Sexual Offender Registered Prior to Intake.

(1) In order to determine if a sexual offender is currently registered with the Sex Offender Registry Unit, the intake reviewer shall:

(a) Sign on to the Criminal Justice Information System Maryland Online Sex Offender Registry, at <https://www.dpscs.state.md.us/mosor>, by;

(i) Entering the intake reviewer's assigned ID and chosen password; and

(ii) Answering the question posed (e.g., date of birth, last four digits of social security number);

~~—(b) Clear the screen;~~

~~—(c) Enter MOSOR ("Maryland Online Sex Offender Registry");~~

~~—(d) Click "Search"; and~~

(b) Click "Search"; and

(c) Enter the sexual offender's:

~~(d) Place an X beside SOR on the "SOR Query Options" screen; and~~

~~—(e) Enter the sexual offender's:~~

(i) Name; or

(ii) SID number.

(2) If the ~~"SOR Query Options"~~ MOSOR search yields a record, response includes screen contains registration information the intake reviewer shall determine if the

crime and conviction date listed thereon are identical to those for which the sexual offender is to be supervised, by:

- (a) Clicking the subject's name;
- (b) Clicking on "Offenses" from the "Registration Info" screen; and
- (c) Clicking on the offense(s) in the "Description" column on the "Offenses" screen to review the details of the offense for comparison with the current offense.

(3) If the crime and conviction date listed on the ~~"SOR Query Options" screen~~ are identical to those for which the sexual offender is to be supervised, the sexual offender is registered with the Sex Offender Registry Unit.

(4) An intake reviewer who determines that a sexual offender is registered with the Sex Offender Registry Unit for the crime for which the sexual offender is to be supervised shall:

(a) Make a copy of the MOSOR **"Offense" and "Registration Info" screens** ~~screen~~ ~~"SOR Query Options" that contains~~ containing the sexual offender's registration information for inclusion with the case material; and

(b) If the sexual offender is registered as a child sexual offender, refer the sexual offender to the local law enforcement unit at the conclusion of the sexual offender's intake in accordance with subsection ~~K~~ **J** (4)(b) of this section.

(5) If the crime and conviction date listed on the MOSOR **"Offense"** screen ~~"SOR Query Options" screen~~ are not identical to those for which the individual is to be supervised, the intake reviewer shall initiate registration in accordance with subsection H below.

(6) If no registration information is found, the words ~~"SOR Query Options" screen~~ reads "No Records Found" will appear on the screen and the intake reviewer shall:

(a) Make a copy of that ~~"SOR Query Options"~~ screen for inclusion with the case material;

(b) Telephone the Sex Offender Registry Unit coordinator at the Information Technology and Communications Division;

(c) Provide the Sex Offender Registry Unit coordinator with the name or SID number which resulted in the "No Records Found" response;

(d) Ask the Sex Offender Registry Unit coordinator whether a registration statement is being processed for the sexual offender whose name or SID number resulted in the "No Records Found" response; and

(e) Record the outcome of the conversation, including the name of:

(i) The Sexual Offender Registry Unit coordinator; or

(ii) If the intake reviewer spoke with someone at the Sexual Offender Registry Unit other than the coordinator, the individual with whom the intake reviewer spoke.

(7) If the Sex Offender Registry Unit coordinator's answer is yes, the intake reviewer shall:

(a) Inform the Sex Offender Registry Unit coordinator that the sexual offender is undergoing divisional intake;

(b) Ask the Sex Offender Registry Unit coordinator to process the sexual offender's registration statement presently; and

(c) Make a case field note entry to indicate that the Sex Offender Registry Unit is processing the sexual offender's registration statement.

(8) If the Central Registry coordinator's answer to the question posed under paragraph (6)(d) is no, the intake reviewer shall initiate sexual offender registration in accordance with subsection H, below.

H. Initiating Sexual Offender Registration.

(1) The intake reviewer shall apply the criteria set forth above in subsections E and F section to determine whether a sexual offender who appears for intake is to register as:

(a) A child sexual offender;

(b) An offender;

(c) A sexually violent offender; or

(d) A sexually violent predator.

(2) The intake reviewer shall initiate registration of a sexual offender by:

(a) Completing ~~both sides of~~ the registration statement, ~~except the fingerprint and photograph sections;~~

(b) Completing form DPP-SUP-41 ("Sexual Offender Registration Requirements");

(c) Reviewing with the sexual offender the provisions of DPP-SUP-41 ("Sexual Offender Registration Requirements") that apply to the sexual offender;

(d) Having the sexual offender sign and date form DPP-SUP-41 ("Sexual Offender Registration Requirements"); and

(e) Signing and dating DPP-SUP-41 ("Sexual Offender Registration Requirements") on the lines provided for the witness.

(3) For guidance in completing certain sections of the registration statement, the intake associate shall refer to subsection K below.

(a) Subsection K below; and

(b) "Instructions for Maryland Online Sex Offender Registration Form," in the Division's forms menu on SafetyNet.

(4) Upon completing the procedures set forth in paragraphs (1) and (2) of this subsection, the intake reviewer shall:

(a) ~~Make a photocopy~~ **Print two copies** of the registration statement ~~for inclusion with the intake material to be sent to the supervision unit;~~

(b) Have the sexual offender sign both copies of the registration statement;

~~(b)~~ **(c)** Give the sexual offender one of the copies;

(d) Place the other signed copy of the registration statement in the file for inclusion with the intake material to be sent to the supervision unit.

(c) Give the sexual offender a photocopy of completed form DPP-SUP-41 ("Sexual Offender Registration Requirements"); and

(d) Place the original of form DPP-SUP-41 ("Sexual Offender Registration Requirements") with the intake material to be sent to the supervision unit.

(5) An intake reviewer shall enter one or more of the following codes for the sexual offender in the "Special Program" field of the OBSCIS II "Identification" screen:

(a) "S" for child sexual offender;

(b) "T" for offender;

(c) "U" for sexually violent offender; or

(d) "V" for sexually violent predator.

I. Completion Of Initial Registration.

(1) Except as provided immediately below in paragraph (2), the initial registration of a sexual offender is complete when a registration statement bearing the sexual offender's **signature, with a** photograph **and** fingerprints **attached**, ~~and signature~~ is on file with the Central Registry Unit.

(2) The initial registration of a child sexual offender is complete when a registration statement bearing the child sexual offender's **signature, with a** photograph **and** fingerprints **attached**, ~~and signature~~ is on file with the:

(a) Central Registry Unit; and

- (b) Local law enforcement unit.

J. Sexual Offender Referral to the Maryland State Police.

(1) The Maryland State Police barrack serving the county in which the divisional intake office is located will complete the registration statement and registration of a sexual offender by:

- (a) Photographing and fingerprinting the sexual offender;
- (b) Providing a sexual offender with a photocopy of the completed registration statement; and
- (c) Forwarding the completed registration statement to the Sex Offender Registry Unit.

(2) A State Police barrack may require advance notice of a sexual offender's referral to complete registration.

(3) If, as provided in paragraph (2) of this subsection, advance notice to a State Police barrack is required, the intake reviewer shall:

- (a) Telephone the duty officer of the State Police barrack;
- (b) Provide the duty officer with the sexual offender's full name and date of birth; and
- (c) Obtain from the duty officer the date and time that the sexual offender is to report in order to complete registration.

(4) At the conclusion of the intake process, the intake reviewer shall instruct the sexual offender:

- (a) To report in person to the designated State Police barrack with the original registration statement to be photographed and fingerprinted in order to complete registration with the Sex Offender Registry Unit; and
- (b) If the sexual offender is a child sexual offender, to report in person to register with the local law enforcement unit not later than 7 days following the sexual offender's appearance for intake.

(5) An intake reviewer who instructs a sexual offender to report to a State Police barrack or local law enforcement unit under paragraph (4) of this subsection shall:

- (a) Give the sexual offender written instructions of when and where to report;
- (b) Instruct the sexual offender to submit a photocopy of the completed registration statement to the sexual offender's agent not later than the next workday after the sexual offender completes registration at the State Police barrack; and

(c) Record in the **case file** notes the instructions issued to the sexual offender under subparagraphs (a) and (b) of this paragraph.

K. Guidance For Completing a Registration Statement.

(1) **Registration Term.** Except as provided below in paragraph (2), a sexual offender shall be registered with the Sex Offender Registry Unit for 10 years.

(2) A sexual offender shall register with the Sex Offender Registry Unit for life if the sexual offender was:

- (a) Determined by a court to be a sexually violent predator; or
- (b) Convicted of a crime listed in subsection E(3);
- (c) Convicted of a violation of Criminal Law Article, § 3-602, for the commission of a sexual act involving penetration of a child under the age of 12; or
- (d) Previously convicted of a crime listed in subsection E(1)—(3).

(3) **Release Date.** The term “Release Date” on a registration statement refers to the date that a sexual offender was:

- (a) Released on parole or mandatory supervision; or
- (b) Granted:
 - (i) Probation before judgment;
 - (ii) Probation after judgment;
 - (iii) A suspended sentence; or
 - (iv) A sentence that does not include a term of imprisonment.

(4) **Alias information.** An intake reviewer shall include on the registration statement a sexual offender’s:

- (a) Alias; and
- (b) False or multiple:
 - (i) Date of birth; and
 - (ii) Social security number.