


STATE OF MARYLAND
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
DIVISION OF CORRECTION

 DIVISION OF CORRECTION DIRECTIVE	PROGRAM:	CRIME VICTIM SERVICES
	DCD #:	95-6
	TITLE:	Sexual Offender Registration
	ISSUED:	December 15, 2006
	AUTHORITY:	<i>Bobby P. Shearin</i> Bobby P. Shearin DEPUTY COMMISSIONER
	APPROVED:	<i>John A. Rowley</i> John A. Rowley ACTING COMMISSIONER

I. REFERENCES:

- A. Criminal Law Article, §§1-101 and 3-301; 303-312 – 313, 501-503 and 601-602; 11-203, 207-208, 301, and 303-306, ACM
- B. Criminal Procedure Article, §§11-101, 104, 701-721, ACM
- C. Correctional Services Article, §§8-602 – 8-611, ACM
- D. COMAR 12.06.01; DCM 95-1
- E. OBSCIS I Manual, Part 35-01-02, Maintain Alerts
- F. Commitment Procedures Manual

II. APPLICABLE TO: Division of Correction Headquarters and All Facilities

III. PURPOSE: To provide policy and procedures for the implementation of the sexual offender registration laws.

IV. DEFINITIONS:

- A. **Registrant** means a person who is:
 - 1. a child sexual offender, as defined in CPA; §11-701(b), ACM; or
 - 2. an offender, as defined in CPA; §11-701(d), ACM; or
 - 3. a sexually violent offender, as defined in CPA; §11-701(f), ACM; or
 - 4. a sexually violent predator, as defined in CPA, §11-701(h); or
 - 5. a child sexual offender who, before moving to Maryland, was required to register in another state or by a federal, military, or Native American tribal court for a crime that occurred before October 1, 1995; or
 - 6. an offender, sexually violent offender, or sexually violent predator who, before moving to Maryland, was required to register in another state or by a federal, military, or Native American tribal court for a crime that occurred before July 1, 1997; or

7. a child sexual offender, offender, sexually violent offender, or sexually violent predator who is required to register in another state, who is not a resident of Maryland, and who enters Maryland:
 - a. to carry on employment; or
 - b. 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; or
 - c. as a transient.

- B. **Release** means any type of release from Division custody, including placement on home detention, release on parole, mandatory supervision, court order, expiration of sentence, or work release, and any type of temporary leave such as family leave or special leave except for leave that is granted on an emergency basis. Release does not include an escape.

- C. **Resident** means a person who lives in Maryland at the time of release.

- D. **Supervising authority** means the Secretary of Public Safety and Correctional Services for all registrants in the custody of a facility operated by the Department of Public Safety and Correctional Services.

- E. **Retroactive registration** will apply to a person who is:
 1. in the custody or under supervision of a supervising authority on October 1, 2001 for a qualifying child sex offender crime committed prior to October 1, 1995; or
 2. in the custody or under supervision of a supervising authority on October 1, 2001 for a qualifying sexually violent offender crime committed prior to July 1, 1997; or
 3. wanted on a warrant for escape or violation of parole or probation as of October 1, 2001, therefore, in the custody or under supervision of a supervising authority, if the other criteria for retroactive registration have been satisfied.

- F. **Transient** means a nonresident registrant who enters a county of this state with the intent to be 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 educational institution.

- V. **POLICY:** It is the policy of the Division of Correction to carry out the provisions of state laws regarding sexual offender registration.

VI. PROCEDURE:

- A. Upon receipt of a commitment record from a court of jurisdiction, commitment office staff shall review the document to determine if the inmate is a registrant in accordance with this directive. If commitment office staff determines that the inmate is a registrant, designated staff shall enter the appropriate code, as provided in the OBSCIS I, Screen 02, Maintain Alerts. The relevant codes are as follows:

Code 67	CSO	Child Sexual Offender
Code 71	SO	Offender
Code 72	SVO	Sexually Violent Offender
Code 73	SVP	Sexually Violent Predator

- B. While conducting the security reclassification review, case management staff shall review the inmate's criminal history to determine if the inmate is a registrant according to this directive. If the inmate is in a status that does not require a security reclassification (MAP or CMP), case management staff shall review the inmate's criminal history to determine if the inmate is a registrant according to this directive, upon reduction in security per the reserved date on the MAP or CMP.

1. If case management staff determines that the inmate is a registrant, designated staff shall enter the appropriate code, as provided in the OBSCIS I Manual, on OBSCIS I, Screen 02, Maintain Alerts as noted in VI.A. above.
2. If case management staff cannot determine if the inmate is a registrant based on the information provided in the inmate's criminal history, written clarification shall be requested from the state's attorney's office in the jurisdiction of conviction.
3. If case management staff determines that the inmate is not a registrant, designated staff shall enter the appropriate code, as provided in the OBSCIS I Manual, on OBSCIS I, Screen 02, Maintain Alerts. The relevant code is:

CODE 90	SO REG NOT	Sex Offender Registration Not Required
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- C. As part of the intake and orientation process, institutional staff shall advise an inmate that, should he or she be determined to be a registrant, he/she will be required to comply with CPA, §§11-701-721, ACM.
- D. A registrant shall register with the supervising authority:
1. If the registrant is a resident, on or before the date that the registrant is released.
 2. If the registrant is not a resident, within 14 days after the date that the registrant:
 - a. begins employment in Maryland; or

- b. registers as a student in Maryland.
3. If the registrant is a resident and has been identified as a child sex offender. The inmate shall register in person with the local law enforcement agency of the county where he or she will reside within seven days of release. If the child sex offender is not a resident but is moving into the state, is employed or attends school in the state, he or she shall register in person with the local law enforcement agency of the county where he or she will reside, work or attend school within seven days of registering with the supervising authority.
- E. Case management staff shall review the names of inmates who are scheduled for placement on work release or home detention and OBSCIS 1, Screen 02, Maintain Alerts, to determine if any inmate is identified as a registrant.
1. If alert code(s) 67, 71, 72, 73 or 90 have not been entered on OBSCIS I, Screen 02, Maintain Alerts, the case management specialist shall review the inmate's criminal history to determine if the inmate is a registrant according to this directive.
 2. If the inmate has been identified as a registrant, not less than 10 working days before any scheduled placement on work release or home detention, the case management specialist shall commence the registration process for that inmate.
 3. Once staff completes the registration requirements for an inmate scheduled to be assigned to work release or home detention, the inmate need not re-register upon release. Case management staff shall, however, send notification of the inmate's release and home address to the Sex Offender Registry Unit, the Division of Parole and Probation, and the appropriate local law enforcement agency.
- F. Case management staff shall review the release list and OBSCIS I, Screen 02, Maintain Alerts, to determine if any inmate identified as a registrant is within 15 days of release.
1. If alert code(s) 67, 71, 72, 73 or 90 have not been entered on OBSCIS I, Screen 02, Maintain Alerts, the case management specialist shall review the inmate's criminal history to determine if the inmate is a registrant according to this directive.
 2. If the inmate has been identified as a registrant, not less than 10 working days before any scheduled release of an identified inmate, the case management specialist shall commence the registration process for that inmate.
- G. If the inmate is to be released on parole, Maryland Parole Commission staff shall notify the case management manager/supervisor in the institution where the inmate is housed of the scheduled parole release, not less than 10 working days before the scheduled release. Immediately upon notification from the Maryland Parole Commission, case management staff shall commence the registration process.

- H. For all registrants, the case management specialist shall immediately notify institutional staff to fingerprint and photograph the inmate, and complete the appropriate sections of the SORU Registration Statement form (CJIS 010). Supplies of these forms may be obtained from the Sex Offender Registry Unit. Staff shall refer to Appendix 3, Sex Offender Registration Category Charge Table, to determine the registration term.
- I. Institutional staff shall fingerprint and photograph the inmate in accordance with this directive, using the appropriate sections of the SORU Registration Statement form. The completed form shall be returned to the case management specialist initiating the request.
- J. Upon completion of the tasks required by section VI.I., the case management specialist shall complete the SORU Registration Statement form and sign and date the form.
- K. The case management specialist shall also complete the Notice of Sexual Offender Registration Requirements form (Appendix 1), and no less than five days before the inmate's release date, the case management specialist shall:
 - 1. notify the inmate of his or her obligation as a registrant under CPA, §§11-701-721, ACM; and
 - 2. provide the inmate/registant with the Notice of Sexual Offender Registration Requirements form and instruct the inmate to read the form, or, if the inmate is unable to read, read the form to the inmate; and
 - 3. instruct the inmate to sign and date the form or, if the inmate refuses to sign, write "Refused to Sign" on the form. If the inmate is scheduled for a parole release, the case management specialist shall immediately notify the Maryland Parole Commission of the inmate's refusal to sign the form; and
 - 4. place the original completed Notice of Sexual Offender Registration Requirements form in the inmate's base file and forward a copy of the form to the commitment office.
- L. Upon completion of the above procedures, the case management specialist shall immediately:
 - 1. forward the original of the SORU Registration Statement to the CJIS Central Repository at the address on the Registration Statement; and
 - 2. forward a copy of the SORU Registration Statement to the commitment office; and
 - 3. if the registrant is released on parole or mandatory supervision, forward a copy of the SORU Registration Statement to the Division of Parole and Probation. The Parole and Probation agent shall, within 10 days of receipt of the SORU Registration Statement, contact the appropriate local law enforcement agency

(<http://www.dpscs.state.md.us/sor/>) to verify that the Registration Statement was received; and

4. forward a copy of the SORU Registration Statement to the Maryland Parole Commission, if the registrant is released on parole; and
5. forward a copy of the SORU Registration Statement to the local law enforcement agency in which the registrant will reside or, if the registrant is not a resident, where the registrant will work or attend school.

M. On the same date the commitment office receives a copy of the SORU Registration Statement from the case management specialist, commitment office staff shall send the copy of the Registration Statement to the victim of the crime for which the registrant was convicted, if the victim filed a notification request form under CPA, § 11-104, ACM, and to the following persons, if such notice has been requested in writing:

1. if the victim is a minor, the parents or legal guardian of the victim;
2. any witness(es) who testified against the registrant in any court proceedings involving the underlying offense; and
3. any person specified in writing by the state's attorney.

NOTE: All requests for Registration Statements governed by this directive shall be processed in accordance with established victim notification procedures in DCM 95-1. Information regarding any person who receives a copy of the SORU Registration Statement shall be confidential and may not be disclosed to the registrant or any other person, agency or entity.

If there are no victims who have requested notification, the copy of the Registration Statement forwarded from case management to the commitment office shall be destroyed by commitment staff.

N. If a registrant escapes from a Division facility, the warden of the facility shall immediately notify, by the most reasonable and expedient means, including the use of the Notification of Escape/Return of a Sexual Offender form (Appendix 2), the following:

1. the local law enforcement agency in the jurisdiction in which the registrant resided before he or she was committed to the custody of the Commissioner of Correction; and
2. any person who is entitled to receive a registration statement under section VI.L. of this directive.

O. If the registrant is returned from escape, the warden of the receiving institution shall send notice of the inmate's return (Appendix 2) as soon as possible, and in no event later than two working days after inmate's return from escape, to:

1. the local law enforcement agency in the jurisdiction in which the registrant resided before he or she was committed to the custody of the Commissioner of Correction; and
 2. any person who is entitled to receive a registration statement under section VI.L. of this directive.
- P. Any notice required in sections VI. L.-N. shall be processed in accordance with established victim notification procedures and shall be sent to the last address provided by the person requesting and entitled to such notification.
- Q. If the inmate is released by a court of jurisdiction, case management staff will be unable to fulfill the above-referenced registration notification requirement.
- R. Notwithstanding any other provision of law, an inmate is no longer subject to registration if the underlying conviction requiring registration is reversed, vacated, or set aside; or the registrant is pardoned for the underlying conviction.
- S. Institution staff shall follow the procedures provided in this directive for any inmates committed to the custody of the Commissioner of Correction pursuant to the terms and conditions of the Interstate Corrections Compact provided in CSA, §§8-602 – 8-611, ACM.
- T. No institutional directive is required.

VII. ATTACHMENTS:

- A. Appendix 1 - Notice of Sexual Offender Registration Requirements (SORU-7/06)
- B. Appendix 2 - Notification of Escape/Return of a Sexual Offender (DPSCS/DC Form 95-6a)
- C. Appendix 3 - Sex Offender Registration Category Charge Table

VIII. RESCISSION: DCD 95-6, dated June 1, 2004

Distribution: A
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S – Commitment Staff