

MD Sex Offender Registry



The Maryland Department of Public Safety and Correctional Services (DPSCS) is responsible for the maintenance of the Maryland Sex Offender Registry on our public website.

QUICK FACTS: as of 1/31/10

Total Registered = 6,435

By Conviction Type

MD Convictions = 5,336
Non-MD Convictions = 1,039
Federal Convictions = 60

By Residency

MD Residents = 6,290
Non-MD Residents = 145
Employed/Student in MD

By Registration Category

Offender = 459
Child Sex Offender = 4,190
Sexually Violent Offender = 1,772
Sexually Violent Predator = 13

By Status

Active = 5,336
Currently in the community
Incarcerated = 1,038
Recently returned to a correctional facility (DOC, Federal or Local Detention Center)
New = 61
Initial sex offender registrations currently being processed

Total Homeless Registered Sex Offenders = 189

Total Registered and Currently in DOC = 641

Total Registered and Under DPP Supervision = 1,870

Common Misperceptions About the MD Sex Offender Registry

DPSCS is responsible for offender compliance with Registry requirements.

- While DPSCS maintains the database of information regarding sexual offenders who are required to register in MD, the local police are responsible for ensuring offenders are compliant.

Everyone who has ever been convicted of a sexual offense is registered.

- Registration is not currently retroactive - if convicted before the law was imposed for registry, they are not required to register. Also, some convictions require a court order for registration.

Everyone on the Registry is also under community supervision by the Division of Parole and Probation (DPP).

- Being on the Registry does not necessarily mean an offender is under community supervision. This misconception also leads people to believe that everyone on the Registry can have residency restrictions. Only when someone is currently under DPP supervision can such restrictions be placed if deemed necessary by the courts or the Maryland Parole Commission.

The Registry can only report one address for each offender.

- We can put as many addresses on our website as are reported by the offender, but they are currently only required by law to register more than one address when staying there two consecutive weeks or at least 30 days in 12 months.

Homeless residents have addresses listed on the Sex Offender Registry.

- While the O'Malley-Brown Administration submitted legislation to add general living locations for homeless residents to the Registry in previous years, there is currently no law requiring them to submit an address.

Current O'Malley-Brown Legislation Regarding the MD Sex Offender Registry - HB 936/SB 854

- These proposals would bring the State into compliance with the federal Sex Offender Registration and Notification Act (SORNA) (also known as the Adam Walsh Act), which creates minimum standards for sex offender registration.

- States have been given until July 2010 to come into "substantial" compliance or risk the loss of Byrne grant funds. It is believed a 10% reduction in these funds would cost Maryland \$2M.

- There are two jurisdictions in compliance now – the State of Ohio and a Native American Tribe.

- This is the third year that the O'Malley-Brown Administration has submitted at least one bill in an effort to meet SORNA compliance.

- The most significant changes in HB936/SB854 include: making the registration requirements retroactive; re-classifying the sex offense categories; and requiring juvenile offenders to register publicly if convicted in adult court or if adjudicated delinquent for serious sexual offenses and at least 14 years of age.

- Without SORNA, it is difficult to categorize out-of-state convictions on a registry. Each state has its own classification system for offenders, as well as its own construct for statutory sex offenses (degree of offense, etc.) Making it difficult for registration officials, law enforcement, and the public to understand the nature of the prior offense as well as the degree of risk associated.



MD Sex Offender Registry



Categories of MD Sex Offenders - Who Must Register

•Any individual convicted as a “Child Sex Offender” after October 1, 1995 must register. Any individual convicted as a Child Sex Offender for an offense 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.

Child Sex Offenders

| Conviction Categories for Child Sex Offenders - As defined in Criminal Procedure Article § 11-701(b) - Registration Every 6 Months | | |
|--|---|-------------------|
| Offense | Age of Victim | Registration Term |
| Sexual Abuse of Minor CPA § 11-707(a)(4)(ii)(3) | Under 12 + offense involved penetration | Lifetime |
| Sexual Abuse of Minor | Under 18 | 10 years |
| 1st Degree Rape | Under 15 | Lifetime |
| 1st Degree Rape + Child Kidnapping | Under 16 | Lifetime |
| 2nd Degree Rape | Under 15 | Lifetime |
| 1st Degree Sex Offense | Under 15 | Lifetime |
| 1st Degree Sex Offense + Child Kidnapping | Under 16 | Lifetime |
| 2nd Degree Sex Offense | Under 15 | Lifetime |
| 3rd Degree Sex Offense | Under 15 | Lifetime |
| 4th Degree Sex Offense (and ordered by the court to register) | Under 15 | 10 years |

Sexually Violent Offenders

•Any individual convicted as a “Sexually Violent Offender” after July 1, 1997 must register. Any individual convicted as a “Sexually Violent Offender” for an offense 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.

| Conviction Categories for Sexually Violent Offenders - As defined in Criminal Procedure Article § 11-701(f) - Registration Every 6 Months | | |
|---|------------------|-------------------|
| Offense | Age of Victim | Registration Term |
| 1st Degree Rape | 15 years & older | Lifetime |
| 2nd Degree Rape | 15 years & older | Lifetime |
| 1st Degree Sex Offense | 15 years & older | Lifetime |
| 2nd Degree Sex Offense | 15 years & older | Lifetime |
| 3rd Degree Sex Offense | 15 years & older | Lifetime |
| All Attempted Offenses Above and All Comparable Common Law Offenses | As defined above | Lifetime |

•Any individual convicted as an “Offender” for an offense after July 1, 1997 and was ordered to register by the Court. Any individual convicted as an “Offender” for an offense that was committed before July 1, 1997; was ordered by the Court to register; and was under the custody or supervision of a supervising authority on October 1, 2001 for the crime that required registration.

Offenders

| Conviction categories for Offenders (must be ordered by court to register) - As defined in the Criminal Procedure Article § 11-701(d) - Registration Every 6 Months | | |
|---|------------------|-------------------|
| Offense | Age of Victim | Registration Term |
| Child Abduction | Under 16 | 10 years |
| Kidnapping | 12 years & older | 10 years |
| Child Kidnapping | Under 12 | 10 years |
| False Imprisonment (not parent) | Under 18 | 10 years |
| Fourth Degree Sex Offense | Under 18 | 10 years |
| Distribution and Manufacturing of Child Pornography | Under 18 | 10 years |
| Prostitution | Under 18 | 10 years |
| Incest | Under 18 | 10 years |
| Perverved Sex Practices | Under 18 | 10 years |
| Sodomy | Under 18 | 10 years |
| Soliciting Minor to Engage in Sexual Conduct | Under 18 | 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 | 10 years |
| All Attempted Offenses Above and All Comparable Common Law Offenses | As defined above | 10 Years |

Sexually Violent Predators

• “Predator” status is determined by the court as defined in the Criminal Procedure Article § 11-701(h) - Registration Every 3 Months