

HOUSE BILL 1348

E4, E1

0lr2243

By: **Delegates Arikan, Adams, Arentz, Buckel, Ciliberti, Cox, Griffith, Hartman, Hornberger, Jacobs, Johnson, Lisanti, Malone, McComas, McKay, Metzgar, Miller, Parrott, Reilly, Rose, Shoemaker, R. Watson, and Wivell**

Introduced and read first time: February 7, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Sex Offender Registration – Indecent Exposure by Inmate**

3 FOR the purpose of altering the definition of “Tier I sex offender” for purposes of provisions
4 relating to a certain sex offender registry to include a person who has been convicted
5 a certain number of times of a certain crime involving indecent exposure by an
6 inmate in the presence of a correctional officer; and generally relating to sex offender
7 registration.

8 BY repealing and reenacting, without amendments,
9 Article – Correctional Services
10 Section 8–803
11 Annotated Code of Maryland
12 (2017 Replacement Volume and 2019 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Criminal Procedure
15 Section 11–701(a)
16 Annotated Code of Maryland
17 (2018 Replacement Volume and 2019 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Criminal Procedure
20 Section 11–701(o)
21 Annotated Code of Maryland
22 (2018 Replacement Volume and 2019 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
24 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Correctional Services

8–803.

(a) Words or phrases in this section that describe the common-law crime of indecent exposure shall retain their judicially determined meanings except to the extent expressly or implicitly changed in this section.

(b) An inmate may not, with intent to annoy, abuse, torment, harass, or embarrass a correctional officer or authorized personnel, lewdly, lasciviously, and indecently expose private parts of the inmate's body in the presence of the correctional officer or authorized personnel.

(c) An inmate who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

Article – Criminal Procedure

11–701.

(a) In this subtitle the following words have the meanings indicated.

(o) “Tier I sex offender” means a person who has been convicted of:

(1) VIOLATING § 8–803 OF THE CORRECTIONAL SERVICES ARTICLE TWO OR MORE TIMES;

[(1)] (2) conspiring to commit, attempting to commit, or committing a violation of § 3–308 of the Criminal Law Article;

[(2)] (3) 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;

[(3)] (4) 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 [item (1) or (2)] **ITEMS (1) THROUGH (3)** of this subsection;

[(4)] (5) any of the following federal offenses:

(i) misleading domain names on the Internet under 18 U.S.C. § 2252B;

(ii) misleading words or digital images on the Internet under 18 U.S.C. § 2252C;

(iii) engaging in illicit conduct in foreign places under 18 U.S.C. § 2423(c);

(iv) failure to file a factual statement about an alien individual under 18 U.S.C. § 2424;

(v) transmitting information about a minor to further criminal sexual conduct under 18 U.S.C. § 2425;

(vi) sex trafficking by force, fraud, or coercion under 18 U.S.C. § 1591; or

(vii) travel with intent to engage in illicit conduct under 18 U.S.C. § 2423(b);

[(5)] (6) 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 offenses listed in item **[(4)] (5)** of this subsection; or

[(6)] (7) 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 (1) through **[(5)] (6)** of this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.