

# Sexual Offender Registration

**Index Code: 1807**

**Effective Date: 02/01/06 (Revised 10/27/16)**

## **I. Purpose**

The purpose of this directive is to establish procedures for registering those sexual offenders required to do so by law, and notifying specific agencies that a sexual offender has registered and is residing in Queen Anne's County.

## **II. Policy**

It is the policy of the Queen Anne's County Sheriff's Office to comply with all aspects of the Maryland Criminal Procedure Article, §§ 11-701 through 11-721, Annotated Code of Maryland, as it pertains to child sexual offenders and individuals who commit certain sexual offenses in general.

## **III. Summary of Maryland Law**

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.

## **IV. Definitions**

### **A. Child Sexual Offenders**

1 Retroactive Application of the New Laws Beginning October 1, 2010

2 Anyone required to register under Maryland law as of September 30, 2010 is subject to continued registration under Maryland's new law.

3 Anyone who is currently under the custody or supervision of a supervising authority on October 1, 2010 and has an unregistered sex offense conviction is subject to registration under Maryland's new law.

4 Anyone who is convicted of a new crime on or after October 1, 2010 and has an unregistered sex offense conviction is subject to registration under Maryland's new law.

NOTE: "Under the custody or supervision of a supervising authority" means the offender was: incarcerated in a county detention center or Division of Correction facility; under the supervision of the Division of Parole and Probation; or was under the direct supervision of the Court.

**Tier I** - These registrants have been convicted in Maryland of a crime listed below or convicted in another jurisdiction of a Tier I offense. These registrants register for 15 years. (every 6 months)

1. 4th Degree Sex Offense - Criminal Law Article, § 3-308 or Art. 27 § 464C

2. Visual Surveillance with Prurient Intent - Criminal Law Article, § 3-902 or Art. 27 § 579B

3. Possession of Child Pornography - Criminal Law Article, § 11-208 or Art. 27 § 419B

4. Engaging in Illicit Conduct in Foreign Places - 18 USC § 2423(c)

5. Failure to File Factual Statement About an Alien Individual - 18 USC § 2424

6. Misleading Domain Names on the Internet - 18 USC § 2252B

7. Misleading Words or Digital Images on the Internet - 18 USC § 2252C

8. Sex Trafficking by Force, Fraud or Coercion - 18 USC § 1591

9. Transmitting Information About a Minor to Further Criminal Sexual Conduct - USC § 2425

10. Travel w/Intent to Engage in Illicit Conduct - 18 USC § 2423(b)

11. Tier II - These registrants have been convicted in Maryland of a crime listed below or convicted in

another jurisdiction of a Tier II offense. These registrants register for 25 years. (every 6 months)

12. Abduction of a Child under 16 for Prostitution - Criminal Law Article, § 11-305 or Art. 27 § 1

13. Distribution of Child Pornography - Criminal Law Article, § 11-207 or Art. 27 § 419A

14. Hiring a Minor for a Prohibited Purpose - Criminal Law Article, § 11-209 or Art. 27 § 420

15. House of Prostitution - Criminal Law Article, § 11-306 or Art. 27 § 431

16. Human Trafficking (Formerly Pandering) - Criminal Law Article, § 11-303 or Art. 27 § 428

17. Sale of a Minor - Criminal Law Article, § 3-603 or Art. 27 § 35E

18. Sexual Conduct between a Correctional or DJS employee and an inmate or confined child Criminal Law Article, § 3-314 or Art. 27 § 464G

19. 3rd Degree Sex Offense - (Statutory Offense) - Criminal Law Article, § 3-307(A)(4) or Art. 27 § 464B(4)

20. 3rd Degree Sex Offense - (Statutory Offense) - Criminal Law Article, § 3-307(A)(5) or Art. 27 § 464B(5)

21. Sexual Solicitation of a Minor - Criminal Law Article, § 3-324

22. A registrant with two Tier I convictions must register in the Tier II category

**Tier III** - These registrants have been convicted in Maryland of a crime listed below or convicted in another jurisdiction of a Tier III offense. These registrants register for life. (every 3 months)

1. Assault with Intent to Rape, or Sexually Abuse - Art. 27 § 12A

2. 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

3. Continuing Course of Conduct with a Child - Criminal Law Article, § 3-315

4. False Imprisonment of a Minor - Common Law

5. Forcible Sodomy - Criminal Law Article, § 3-321 or Art. 27 § 553

6. Incest - Criminal Law Article, § 3-323 or Art. 27 § 335

7. Kidnapping - Criminal Law Article, § 3-502 or Art. 27 § 337

8. 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

9. 1st Degree Rape - Criminal Law Article, § 3-303 or Art. 27 § 462

10. 2nd Degree Rape - Criminal Law Article, § 3-304 or Art. 27 § 463

11. Sexual Abuse of a Minor - Criminal Law Article, § 3-602

12. Sale of a Minor - Criminal Law Article, § 3-603 or Art. 27 § 35E

13. 1st Degree Sex Offense - Criminal Law Article, § 3-305 or Art. 27 § 464

14. 2nd Degree Sex Offense - Criminal Law Article, § 3-306 or Art. 27 § 464A

13. 3rd Degree Sex Offense - (force, threat, weapon, aided and abetted) - Criminal Law Article, § 3-307(a)(1) or Art. 27 § 464B(a)(1)

14. 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)

15. 3rd Degree Sex Offense - Criminal Law Article, § 3-307(a)(3) or Art. 27 § 464B(a)(3)

16. Sexual Conduct between a Correctional or DJS employee and an inmate or confined child - Criminal Law Article, § 3-314 or Art. 27 § 464G

17. Forcible Unnatural or Perverted Practice - Criminal Law Article, § 3-322 or Art. 27 § 554

18. Attempted 1st Degree Rape - Criminal Law Article, § 3-309 or Art. 27 § 464F(b)

19. Attempted 2nd Degree Rape - Criminal Law Article, § 3-310 or Art. 27 § 464F(a)

20. Attempted 1st Degree Sex Offense - Criminal Law Article, § 3-311 or Art. 27 § 464F(b)

21. Attempted 2nd Degree Sex Offense - Criminal Law Article, § 3-312 or Art. 27 § 464F(a)

22. A registrant with two Tier II convictions, or a Tier I and Tier II convictions, must register in the Tier III category

**V. Initial Registration Procedures**

A. Individuals responding to the Sheriff's Office to register as a Child Sexual Offender, Offender, Sexually Violent Offender, or Sexually Violent Predator, will be directed to a member of the Criminal Investigation Division.

B. The criminal investigator assigned to register a sexual offender will create a folder on the individual, hereinafter referred to as a "registration packet." The following forms must be completed and placed in the registration packet.

1. The State of Maryland Department of Public Safety and Correctional Services Sexual Offender Registration Requirements form (SORU 16C rev. 4/2013).

2. The State of Maryland Department of Public Safety and Correctional Services Sex Offender Registry Unit Registration Form (CJIS #016A REV. 07/14), complete with subject photograph and fingerprints.

C. In addition to completing the forms indicated above, a criminal history check will be made of the registrant and placed in the registration packet

D. At the time of registration, all registrants will be offered a Department of Public Safety and Correctional Services Maryland Sex Offender Registration Form (CJIS #016A Rev. 7/14), along with a copy of the Sexual Offender Registration Requirements form

E. The Criminal Investigation Unit will maintain a Sex Offender Registration file reflecting all initial and subsequent registrations, and any investigations and/or procedures conducted for each registered sex offender.

**VI. Notification Procedures**

A. After the initial registration procedures have been completed, official notification will be made to

the State of Maryland Sex Offender Registration Unit by submitting the record via the MDSOR website.

**VII. Non-compliance Procedures**

In the event a registered offender does not appear as scheduled, or the Queen Anne's County Sheriff's Office receives notice from the Maryland State Sex Offender Registry Unit that an individual has not complied with the reporting requirements, the Criminal Investigation unit will initiate an investigation to contact and verify the current residence of the affected individual. If the individual is found to be in non-compliance with the law, the investigating deputy will consult with the State's Attorney's Office prior to charging an individual with violating his/her requirements under the law.

**VIII. CALEA Reference:** None

**IX. Proponent Unit:** Support Services

**X. Cancellation:** Directive dated 2/1/06

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Sheriff Gary Hofmann