



# SEXUAL OFFENDERS- NOTIFICATION & REGISTRATION (MEGAN'S LAW)

**INDEX CODE: 1002**  
**EFFECTIVE DATE: 01-19-11**

---

## Contents:

- I. Background
- II. Penalty & Application
- III. Definitions
- IV. Notification Requirements – Supervising Authority
- V. Registration Requirements – Sexual Offender
- VI. Responsibilities of the Police Department
- VII. Proponent Unit
- VIII. Cancellation

### **I. BACKGROUND**

The Maryland Sexual Offender Notification and Registration Law, commonly referred to as “Megan’s Law,” became effective on October 1, 1995. As of June 20, 2006, all offenders are required by law to register with the primary law enforcement agency of the jurisdiction in which they reside. In Anne Arundel County, all offenders, including those living in the geographic boundaries of the City of Annapolis, will be directed to register at the nearest district station.

### **II. PENALTY & APPLICATION**

A sexual offender who knowingly fails to comply with the law is guilty of a misdemeanor and on conviction is subject to imprisonment in a penitentiary for not more than three years or a fine of not more than \$5,000 or both. A subsequent offense is a felony and is subject to up to five years imprisonment or a fine of not more than \$10,000 or both.

### **III. DEFINITIONS**

#### **A. Sexual Offender**

The law categorizes offenders into four (4) groups as determined by the severity of the offense, the age of the victim, prior history, and the actions of the courts. These categories are:

1. ***Tier I***
2. ***Tier II***
3. ***Tier III***
4. ***Tier III / Sexually Violent Predator***

The requirements for categorizing offenders can be found in Appendix A of this directive.

#### **B. Local Law Enforcement Agency**

The law enforcement agency in the county that has been designated by resolution of the County’s governing body as the primary law enforcement unit in the county.

#### **C. Release**

Any type of release from custody of a supervising authority. Includes release on parole, mandatory supervision, work release, home detention, first instance of a graduated release program, and any type of temporary leave other than leave that is granted on an emergency basis. Does not include escape.

**D. Supervising Authority**

The secretary of Public Safety and Correctional Services; the administrator of a local or regional detention center or home detention program; the court that granted probation or a suspended sentence; the director of the Patuxent Institution; the Secretary of Health and Mental Hygiene; the Director of Parole and Probation; or the court in which the offender was convicted.

**IV. NOTIFICATION REQUIREMENTS – SUPERVISING AUTHORITY**

**A. When a Notification is Required**

On the earliest date that a sexual offender is released, granted work release, put on home detention, granted probation before judgment, granted probation after judgment, granted a suspended sentence, or receives a sentence that does not include a term of imprisonment, the supervising authority shall:

1. Give written notice to the sexual offender of the registration requirements of the law, register the sexual offender, and obtain a statement signed by the sexual offender acknowledging receipt of the written notice; and
2. Within five days of obtaining a registration statement, send a copy of the registration statement of the sexual offender to the local law enforcement agency in the county where the offender will reside or where a registrant who is not a resident is a transient or where the registrant will work or attend school.

**B. Contents of Notification and Registration Statement**

The required written notice and registration statement shall include all information required by law at the time of registration.

**C. Persons to be Notified**

A copy of the same registration statement shall be sent to the following specific persons if it has been requested in writing about a specific sexual offender:

1. The victim of the crime for which the sexual offender was convicted; or, if the victim is a minor, the parents or legal guardian of the victim;
2. Any witness who testified against the sexual offender in any court proceedings involving the offense; and
3. Any person specified in writing by the State's Attorney.

Information regarding any person who receives this notice is confidential, and may not be disclosed to the sexual offender or any other person, agency, or entity.

**D. Notice of Escape & Recapture**

**1. Escape**

If a sexual offender escapes from a facility, the supervising authority of the facility shall immediately notify:

- a. The local law enforcement agency in the jurisdiction in which the offender resided before the offender was committed to the custody of the supervising authority; and
- b. Any person who is entitled to receive notice under paragraph C, above.

**2. Recapture**

If the offender is recaptured, the supervising authority shall send notice as soon as possible, and in no event later than two working days after the supervising authority learns of the recapture to:

- a. The local law enforcement agency in the jurisdiction in which the offender resided before the offender was committed to the custody of the supervising authority; and
- b. Any person who is entitled to receive notice under paragraph C, above.

The supervising authority shall send any required notices to the last address provided to it for any person who is entitled to receive notice under this law.

**E. Inter-Agency Information Sharing**

If a sexual offender will reside, after release, in a municipal corporation that has a police department, or in the case where a sexual offender escapes from a facility and the offender resided (before being committed to a supervising authority) in a municipal corporation that has a police department, a local law enforcement agency that receives a required notice from a supervising authority under this law shall send a copy of the notice to the police department of the municipal corporation.

**V. REGISTRATION REQUIREMENTS – SEXUAL OFFENDER**

**A. Definition of “Resident”**

In this section, “resident” means a person who lives in this state at the time the person:

1. Is released;
2. Is granted probation before judgment;
3. Is granted probation after judgment;
4. Is granted a suspended sentence; or
5. Receives a sentence that does not include a term of imprisonment.

**B. Registration Requirements**

A sexual offender must register with the local law enforcement agency:

1. If the sexual offender is a resident, within 3 days after:
  - a. Being released;
  - b. Being granted probation before judgment;
  - c. Being granted probation after judgment;
  - d. Being granted a suspended sentence; or
  - e. Receiving a sentence that does not include imprisonment; or
2. If the sexual offender is not a resident, within 3 days after the earliest of:
  - a. Establishing a temporary or permanent residence in this state; or
  - b. Applying for a driver’s license in this state or
  - c. Within 3 days after beginning employment in the state or
  - d. Within 3 days after registering as a student in the state or
  - e. Within 3 days after entering the state as a transient if.
3. *If the sexual offender is homeless, a weekly registration is required.*

*All changes in residence, employment, telephone numbers, internet identifiers or vehicle information must be reported within 3 days of the change to each designated local law enforcement unit where the offender habitually lives. Registered Sex Offender Change of Information Forms will be maintained at each district for registrants that need to change their information. See Appendix C in this directive for the Registered Sex Offender Change of Information Form.*

**C. Tier I Offender**

*Tier I Offender shall register in person with a local law enforcement agency every six months for 15 years.*

**D. Tier II Offender**

*Tier II Offender shall register in person with a local law enforcement agency every six months for 25 years.*

**E. Tier III Offender**

*Tier III offender shall register in person with a local law enforcement agency every three months for life.*

**F. Tier III / Sexually Violent Predator**

*Tier III / Sexual Violent Predator shall register in person with a local law enforcement agency every three months for life.*

## **VI. RESPONSIBILITIES OF THE POLICE DEPARTMENT**

No offender will be turned away or sent to another district for registration unless there is no Booking Officer, or other member qualified to perform booking functions, on duty in the station. If no person qualified to perform booking functions is working, or if the booking equipment should be out of service, the Sexual Offender will be directed to the nearest district station that has a Booking Officer on duty.

In all cases where a sex offender is referred elsewhere without being registered, a PD Form 1002, "SEXUAL OFFENDER REGISTRATION REFERRAL" will be completed by the referring member, and forwarded to their immediate supervisor before the end of the shift. Supervisors will be held strictly accountable to ensure that offenders attempting to register are turned away only under unavoidable circumstances.

Responsibilities for implementation of the Sexual Offenders Registration Law are as follows:

### **A. District Responsibilities**

1. Each district will maintain a supply of registration packets on hand at all times. Registration forms and instructions are contained in packets prepared especially for processing Sexual Offender registrations. One packet shall be used for each registrant. Packets may be obtained from the Sexual Offender Registration Clerk in the CID - Major Crimes Section, *Sex Offender Compliance Squad*.

2. The booking officer will contact the Communications Section and draw an Incident Number and Report Number for a Sex Offender registration. The booking officer will enter the Report Number on the Applicant Fingerprint Card in the appropriate block, and enter the Report Number on the front of the State registration form in the upper right hand corner.

3. The booking officer will make a PERS entry in the Tiburon System for the offender using the Incident Number drawn for the registration. CSO will be used in the INVL block.

4. The booking officer will take one (1) set of the Sex Offender's fingerprints on an Applicant Fingerprint Card. Fill out all blocks on the Applicant Fingerprint Card, placing the Report Number in the OCA block. Make sure that the Sexual Offender and the person taking the fingerprints sign the card. The booking officer will complete the Sexual Offender Registration Form according to the instructions in the registration packet. The Sexual Offender and the booking officer must sign and date the form.

5. Using the DataWorks Plus System, the booking officer will take one (1) front and one (1) side mug shot of the Sexual Offender. Enter the correct name, date of birth, and Incident Number in the DataWorks System. STANDARD MUG SHOTS ARE REQUIRED. DO NOT TAKE POLAROID PHOTOS.

6. The booking officer will complete the Sexual Registration Requirements Form. The Sexual Offender and the booking officer must sign and date the form. Make a copy of the form and give it to the registrant.

7. The booking officer will place the original registration form, the Applicant Fingerprint Card, and the copy of the Sexual Offender Registration Requirements Form in the SEX OFFENDER Registration envelope and forward it to the CID - Major Crimes Section, *Sex Offender Compliance Squad* Clerk.

8. Each district will maintain a supply of State of Maryland Department of Public Safety and Correctional Services Sexual Offender Information Change forms. Completed forms will be forwarded to the CID - Major Crimes Section, *Sex Offender Compliance Squad* Clerk.

9. *Homeless Check-In Procedures - Sex Offenders who are homeless are required to "Check-in" weekly and will come to a district police station to do so. This procedure is separate, and is in addition to their requirement to register. The booking officer will contact Communications for an incident number. The booking officer will give the registrant's name to the dispatcher to put into the CAD notes to correlate with that incident number. The booking officer will complete a Notice of Sexual Offender Registration Requirements (Form 16C) and forward it to the Sex Offender Compliance Squad. Incident number must be noted, and the registrant and booking officer must sign and date the form. The booking officer will enter and save the required incident data on the "Sex Offender Weekly Log" located on the computer in the booking station.*

**B. CID - Major Crimes Section, Sex Offender Compliance Squad Responsibilities**

1. Complete the registration form, attach the photograph, and update the registration information via the Maryland Online Sexual Offender Registry (MOSOR).
2. Notify the Anne Arundel County Superintendent of Schools of all Sexual Offender registrations as soon as possible, and in no event later than three (3) working days after receiving a Sexual Offender registration statement.
3. Maintain records of all offenders who have registered in Anne Arundel County.
4. Maintain a record of all notification correspondence received and sent by the Department regarding registered offenders.
5. Review records every *three (3)* months to ensure that offenders are registered as required; and every three (3) months for Sexually Violent Predators.
6. Provide for community notification of registered offenders according to policies established by the Chief of Police.
7. Process all written requests for copies of offender's registration statements.
8. Develop procedures for processing the registration of offenders.
9. Review all completed PD 1002's (Sexual Offender Registration Referral) and place the form into the Sexual Offender's investigative file.
10. Follow up on all offenders who fail to register as required.
12. Investigate reports of offenders who have changed addresses without notifying the State Registry or the manager of the Central Records Section.
13. Conduct a follow up investigation on any Sexual Offender who was issued a PD 1002 and failed to comply with the provisions of the referral.

**C. Central Records Section Responsibilities**

1. On a monthly basis, provide each district, the Criminal Investigations Division and the Public Information Office with an updated list of registered sexual offenders.
2. Scan the registrations into Webextender.

**D. Notice to Department of Public Safety & Correctional Services**

The CID – Major Crimes Section, *Sex Offender Compliance Squad* will electronically update the Maryland Online Sexual Offender Registry (MOSOR) with sexual offender registration information. The Department of Public Safety and Correctional Services shall maintain a central registry of all Registered Sex Offenders. The Department of Public Safety and Correctional Services shall reimburse the Police Department for the cost of processing the registration statements of sexual offenders, including the taking of fingerprints and photographs.

**E. Notice of Change of Residence**

If a Sexual Offender changes residences, the Sexual Offender shall send written notice of the change within 3 days after the change occurs to the State Registry.

**F. Liability for Damages**

An elected public official, public employee, or public agency is immune from civil liability for damages arising out of any action relating to the provisions of this requirement, unless it is proven that the official, employee, or agency acted with gross negligence or in bad faith.

Index Code: 1002  
Effective Date: 01-19-11

---

**VII. PROPONENT UNIT:** CID – Major Crimes Section, Sex Offender Compliance Squad.

**VIII. CANCELLATION:** This directive cancels Index Code 1002, dated 11-17-08.