

**CITY OF BALTIMORE
COUNCIL BILL 06-0240R
(Resolution)**

Introduced by: Councilmembers Harris, Mitchell, Reisinger, Conaway, Clarke, Curran, Spector,
Welch, Holton
Introduced and adopted: December 4, 2006

A COUNCIL RESOLUTION CONCERNING

Request for State Legislation – Registration of Homeless Sex Offenders

FOR the purpose of requesting the Honorable Chairs and Members of the Baltimore City Senate and House Delegations to the 2007 Maryland General Assembly to introduce legislation to amend Maryland’s sex offender registration law to provide for the registration of homeless persons convicted of sex offenses, in a manner that enables law enforcement officials and members of the general public to know when these sex offenders are present in communities throughout the State; urging the Honorable Chairs and Members of the Senate Judicial Proceedings and House Judiciary Committees to give the bills favorable consideration; and, should both Houses of the legislature report the measures favorably, calling upon the Governor to sign the bills into law.

Recitals

In Baltimore City the June stabbing death of an 11 year old boy at the hands of a 41 year old convicted sex offender, in what was supposed to be the sunny, care-free, fun-filled days of a child’s summer respite from the rigors of the classroom, tragically underscored the horror these predators can visit upon innocent children and the feelings of insecurity and fear for the safety of loved ones the heinous crimes perpetrated by sex offenders can visit upon an entire city.

In October, news that the child’s mother had been arrested and charged with reckless endangerment and 4 counts of criminal neglect for allowing the registered sex offender access to her children rubbed raw an emotional wound that had just begun to heal. In November, news reports that Maryland’s high court has ruled that homeless sex offenders are exempt from laws requiring registration of a change of address has returned Baltimore’s communities to the feelings of fearful vulnerability experienced this past June.

The Maryland Court of Appeals rulings that returned the specter of the sexual predator offender to the forefront of the minds of Maryland residents overturned the convictions of 2 sex offenders in Montgomery County for failure to update their addresses. The public defender for 1 of the men whose argument was upheld by the court contended that it is impossible for the homeless to comply with the registry law requiring registrants to notify authorities when they move.

Other states, either foreseeing this possible loophole or tailoring their statutes retroactively, have addressed the problems inherent in the registration of the whereabouts of homeless offenders. In Washington State, the law pertaining to sex offenders provides:

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter deleted by amendment.

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- 1 • (vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks a
2 fixed residence and leaves the county in which he or she is registered and enters and
3 remains within a new county for twenty-four hours is required to register with the
4 county sheriff not more than twenty-four hours after entering the county and provide
5 the information required in subsection (3)(b) of this section.
- 6 • (viii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER
7 SUPERVISION. Offenders who lack a fixed residence and who are under
8 supervision of the department shall register in the county of their supervision.

9 California's penal code provides as follows:

- 10 • (i) A transient must register, or reregister if the person has previously registered,
11 within five working days from release from incarceration, placement or commitment,
12 or release on probation, pursuant to paragraph (1) of subdivision (a), except that if the
13 person previously registered as a transient less than 30 days from the date of his or
14 her release from incarceration, he or she does not need to reregister as a transient until
15 his or her next required 30-day update of registration. If a transient is not physically
16 present in any one jurisdiction for five consecutive working days, he or she must
17 register in the jurisdiction in which he or she is physically present on the fifth
18 working day following release, pursuant to paragraph (1) of subdivision (a).
19 Beginning on or before the 30th day following initial registration upon release, a
20 transient must reregister no less than once every 30 days thereafter. A transient shall
21 register with the chief of police of the city in which he or she is physically present
22 within that 30-day period, or the sheriff of the county if he or she is physically
23 present in an unincorporated area or city that has no police department, and
24 additionally, with the chief of police of a campus of the University of California, the
25 California State University, or community college if he or she is physically present
26 upon the campus or in any of its facilities. A transient must reregister no less than
27 once every 30 days regardless of the length of time he or she has been physically
28 present in the particular jurisdiction in which he or she reregisters. If a transient fails
29 to reregister within any 30-day period, he or she may be prosecuted in any
30 jurisdiction in which he or she is physically present.
- 31 • (ii) A transient who moves to a residence shall have five working days within which
32 to register at that address, in accordance with subparagraph (A) of paragraph (1) of
33 subdivision (a). A person registered at a residence address in accordance with
34 subparagraph (A) of paragraph (1) of subdivision (a), who becomes transient shall
35 have five working days within which to reregister as a transient in accordance with
36 clause (I).
- 37 • (iii) Beginning on his or her first birthday following registration, a transient shall
38 register annually, within five working days of his or her birthday, to update his or her
39 registration with the entities described in clause (i). A transient shall register in
40 whichever jurisdiction he or she is physically present on that date. At the 30-day
41 updates and the annual update, a transient shall provide current information as
42 required on the Department of Justice annual update form, including the information
43 described in subparagraphs (A) to (C), inclusive, of paragraph (2) of subdivision (e),
44 and the information specified in clause (iv).

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- (iv) A transient shall, upon registration and reregistration, provide current information as required on the Department of Justice registration forms, and shall also list the places where he or she sleeps, eats, works, frequents, and engages in leisure activities. If a transient changes or adds to the places listed on the form during the 30-day period, he or she does not need to report the new place or places until the next required reregistration.

In order to force out-of-state and homeless sex offenders to register, New Mexico requires, since 2005, that anyone who has been convicted of a sex offense in any court - including federal, military, or tribal - must register his or her location within 10 days of arriving in New Mexico. The law covers locations in temporary shelters such as halfway houses, rehabs, ditches, or cardboard boxes. If the offenders leave these locations, they have 10 days to give their new ones.

The Bureau of Justice Statistics has found that compared with other type of offenders released from state prisons, released sex offenders are 4 times as likely to be rearrested for a sex crime. There are a reported 4,495 registered sex offenders in Maryland, 1,070 of whom lived in Baltimore in January 2006, – 765 child sex offenders and 275 sexually violent sex offenders. We cannot take the risk of allowing any of these monsters to anonymously prowl our communities in search of ingenuous prey.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That the Honorable Chairs and Members of the Baltimore City Senate and House Delegations to the 2007 Maryland General Assembly are requested to introduce legislation to amend Maryland’s sex offender registration law to provide for the registration of homeless persons convicted of sex offenses, in a manner that enables law enforcement officials and members of the general public to know when these sex offenders are present in communities throughout the state; the Honorable Chairs and Members of the Senate Judicial Proceedings and House Judiciary Committees are urged to give the bills favorable consideration; and, should both Houses of the legislature report the measures favorably, the Governor is fervently called upon to sign the bill into law.

AND BE IT FURTHER RESOLVED, That this Resolution be forwarded to the Honorable Chairs and Members of the Senate and House Delegations to the Maryland General Assembly following the convening of the 2007 Session on January 10, 2007.

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Mayor, the Governor, the Honorable Chairs and Members of the Baltimore City Senate and House Delegations to the 2007 Maryland General Assembly, the Chairs and Members of the Senate Judicial Proceedings and House Judiciary Committees, the Executive Director of the Mayor’s Office of State Relations, and the Mayor’s Legislative Liaison to the City Council.