

**CITY OF BALTIMORE
COUNCIL BILL 08-0227
(First Reader)**

Introduced by: Councilmembers Branch, D’Adamo, Henry, Cole, Young, Branch, Spector,
Conaway, Holton, Clarke, Welch, Curran, Middleton, Reisinger

Introduced and read first time: October 27, 2008

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Planning Commission, Department of
Housing and Community Development, Police Department, Department of Recreation and
Parks, Baltimore City Public School System, Mayor’s Office of Criminal Justice

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Registered Sex Offenders – Residence Near Schools, etc., Prohibited**

3 FOR the purpose of prohibiting a registered sex offender from residing within a certain distance
4 of a school, child care facility, or certain recreation or service facilities; defining certain
5 terms; imposing certain penalties; excepting certain situations; and generally relating to
6 prohibiting a registered sex offender from residing near locations where children congregate.

7 BY adding

8 Article 19 - Police Ordinances

9 Section(s) 39-1 through 39-5, to be under the new subtitle,

10 “Subtitle 39. Registered Sex Offenders”.

11 Baltimore City Code

12 (Edition 2000)

13 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
14 Laws of Baltimore City read as follows:

15 **Baltimore City Code**

16 **Article 19. Police Ordinances**

17 **SUBTITLE 39. REGISTERED SEX OFFENDERS**

18 **§ 39-1. DEFINITIONS.**

19 (A) *IN GENERAL.*

20 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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1 (B) *REGISTERED SEX OFFENDER.*

2 “REGISTERED SEX OFFENDER” MEANS ANY PERSON WHO IS REGISTERED UNDER THE STATE
3 CRIMINAL PROCEDURE ARTICLE TITLE 11 {“VICTIMS AND WITNESSES”}, SUBTITLE 7
4 {“REGISTRATION OF CERTAIN OFFENDERS”}.

5 (C) *RESIDE.*

6 “RESIDE” MEANS TO OCCUPY A HOME OR DWELLING AS A PERMANENT OR TEMPORARY
7 PLACE OF ABODE.

8 **§ 39-2. RESIDING NEAR SCHOOLS, DAY CARE FACILITIES, AND PLAYGROUNDS, ETC.,**
9 **PROHIBITED.**

10 A REGISTERED SEX OFFENDER MAY NOT KNOWINGLY RESIDE WITHIN 2,000 FEET, MEASURED
11 FROM PROPERTY BOUNDARY LINE TO PROPERTY BOUNDARY LINE AT THEIR CLOSEST POINTS,
12 OF ANY OF THE FOLLOWING:

- 13 (1) ANY PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY SCHOOL;
- 14 (2) ANY FAMILY DAY CARE HOME, CHILD CARE HOME, CHILD CARE INSTITUTION, OR CHILD
15 CARE CENTER REGISTERED OR LICENSED UNDER THE STATE FAMILY LAW ARTICLE
16 TITLE 5 {“CHILDREN”}, SUBTITLE 5 {“CHILD CARE; FOSTER CARE”}; OR
- 17 (3) ANY PLAYGROUND, ATHLETIC FIELD, PARK, YOUTH CENTER, SWIMMING POOL, VIDEO
18 ARCADE, SKATING RINK, OR OTHER PUBLIC OR PRIVATE FACILITY THE PRINCIPAL
19 PURPOSE OF WHICH IS TO PROVIDE RECREATION OR SERVICES TO CHILDREN.

20 **§ 39-3. EXCEPTION.**

21 THIS SUBTITLE DOES NOT APPLY TO A RESIDENCE THAT THE REGISTERED SEX OFFENDER
22 OWNED OR OCCUPIED BEFORE THE SCHOOL, CHILD CARE FACILITY, OR RECREATION OR
23 SERVICE FACILITY WAS ESTABLISHED.

24 **§ 39-4. {RESERVED}**

25 **§ 39-5. PENALTIES.**

26 A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR
27 AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR IMPRISONMENT OF
28 NOT MORE THAN 12 MONTHS OR BOTH.

29 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
30 are not law and may not be considered to have been enacted as a part of this or any prior
31 Ordinance.

32 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
33 after the date it is enacted.