

Dear Governor Glendening:

We have reviewed and hereby approve Senate Bill 605 and House Bills 342 and 343 for constitutionality and legal sufficiency. While we approve the bills, we write to discuss the differences among them.

Senate Bill 605 and House Bill 343, as amended, are companion bills of a sort and make many of the same changes, but there are numerous differences between them. House Bill 342, a less far-reaching measure, makes some of the changes found in the other bills, but does not expand the class of persons required to register beyond child sexual offenders as do the other bills. As a result, this bill consistently uses the term "child sexual offender" rather than the broader term "registrant." To retain the broader term where it is necessary, Senate Bill 605 and/or House Bill 343 should be signed after House Bill 342.

The other differences that we have noted are listed below.¹

1. On page 21, line 12, Senate Bill 605 uses the term "offender," while House Bill 343 uses the term "registrant." (Page 6, line 1).

2. Senate Bill 605, at page 22, lines 21-23, requires a child sexual offender to register in person with the local law enforcement agency within seven days of being released. House Bill 342, page 3, lines 17-21, also requires registration with local law enforcement agencies, but does not specify that the registration be in person, and sets the time as seven days after registration or seven days after release.

3. Senate Bill 605 (page 23, lines 24-27) requires that a copy of the registration statement should be sent by the supervising authority to the Department within five working days after it is completed, unless the supervising authority is the Department. House Bill 343 (page 9, line 37 to page 10, line 2) has the same provision, but does not have an express exception for situations where the supervising authority is the Department. House Bill 342 (page 5, lines 21-24) is the same as House Bill 343, but spells out the name of the Department. This use of the full Department name appears in other portions of House Bill 342 as well. See, page 5, lines 31-35.

4. Senate Bill 605 (page 24, lines 1-3) requires the Department to release registration statements or information concerning them to the public in accordance with regulations established by the Department. House Bill 342 (page 6, lines 9-11) only refers to the release of information. House Bill 343 contains no comparable section.

5. Senate Bill 605 (page 24, lines 4-13) alters current law concerning requests for copies of registration statements to draw a distinction between child sexual offenders and sexually violent predators, as to whom the section is mandatory and other offenders, as to which it is discretionary. House Bill 343 (page 10, lines 18-21) does not make that change, but does provide that requests are to be made to the Department rather than to the local law enforcement agency. House Bill 342 (page 5, lines 36-40) leaves the responsibility with the local law enforcement agency, but provides that a requester is to receive one copy of each registration statement on file.

¹All three bills use different numeration. The system used in the last bill signed will prevail.