

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL NO. 605

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Bromwell” and substitute “, Bromwell, Colburn, Ferguson, Forehand, Green, Haines, Hughes, Jimeno, Kelley, and Middlebrooks”.

AMENDMENT NO. 2

On page 1, strike beginning with “authorizing” in line 18 down through “determination” in line 19, and substitute “requiring the Court of Appeals to adopt certain rules”; in line 26, after “circumstances;” insert “authorizing a law enforcement agency to provide electronic access to copies of certain registration statements to certain persons who request the information on the Internet;”; in line 31, after “circumstances;” insert “requiring the Department to mail certain verification forms; authorizing the Department to release certain information in accordance with regulations established by the Department;”.

On page 2, in line 3, strike “supervising authority” and substitute “local law enforcement agency”; strike beginning with “requiring” in line 5 down through “compensation;” in line 8 and substitute “providing for the construction of this Act; providing that certain information is not a material fact to be disclosed by a real estate licensee;”; and strike in their entirety lines 16 through 26, inclusive.

AMENDMENT NO. 3

On page 6, after line 13, insert:

“(D)(1) THE DEPARTMENT SHALL MAIL ANNUALLY A VERIFICATION FORM, WHICH MAY NOT BE FORWARDED, TO THE LAST REPORTED ADDRESS OF A SEXUAL OFFENDER.

(2) WITHIN 10 DAYS AFTER RECEIVING THE VERIFICATION FORM, THE

(Over)

SEXUAL OFFENDER SHALL SIGN THE VERIFICATION FORM AND MAIL IT TO THE DEPARTMENT.”;

and in line 14, strike “(I)” and substitute “(K)”.

On page 13, in line 29, after “(1)” insert “EVERY 90 DAYS, THE LOCAL LAW ENFORCEMENT AGENCY SHALL MAIL A VERIFICATION FORM, WHICH MAY NOT BE FORWARDED, TO THE LAST REPORTED ADDRESS OF A SEXUALLY VIOLENT PREDATOR.”

(2) WITHIN 10 DAYS AFTER RECEIVING THE VERIFICATION FORM, THE SEXUALLY VIOLENT PREDATOR SHALL SIGN THE FORM AND MAIL IT TO THE LOCAL LAW ENFORCEMENT AGENCY.

(K) (1)”.

On page 14, in line 15, strike “SUPERVISING AUTHORITY” and substitute “LOCAL LAW ENFORCEMENT AGENCY”; and in lines 12 and 16, strike “(K)” and “(L)”, respectively, and substitute “(L)” and “(M)”, respectively.

AMENDMENT NO. 4

On page 6, strike in their entirety lines 31 through 35, inclusive; and in line 36, strike “(5)” and substitute “(4)”.

On page 7, in lines 5, 14, and 31, strike “(6)”, “(7)”, and “(8)”, respectively, and substitute “(5)”, “(6)”, and “(7)”, respectively; and strike beginning with “SUFFERS” in line 28 down through “OFFENSE” in line 30, and substitute “HAS BEEN DETERMINED IN ACCORDANCE WITH THE MARYLAND RULES TO BE AT RISK OF COMMITTING A SUBSEQUENT SEXUALLY VIOLENT OFFENSE FOR THE PRIMARY PURPOSE OF VICTIMIZATION”.

AMENDMENT NO. 5

On page 8, in line 13, strike “(2)” and substitute “(3)”; strike beginning with “THE” in line 14 down through “SENTENCING” in line 15, and substitute “THE SENTENCING COURT SHALL DETERMINE”; in line 16, after “PREDATOR” insert “BEFORE THE OFFENDER IS RELEASED”; in line 17, after “(2)” insert “THE SUPERVISING AUTHORITY SHALL NOTIFY THE SENTENCING COURT OF THE RELEASE OF A SEXUALLY VIOLENT OFFENDER IN SUFFICIENT TIME FOR THE COURT TO MAKE A DETERMINATION UNDER PARAGRAPH (1) OF THIS SUBSECTION. WHENEVER POSSIBLE, THE SUPERVISING AUTHORITY”

SHALL NOTIFY THE SENTENCING COURT AT LEAST 6 MONTHS BEFORE THE RELEASE OF A SEXUALLY VIOLENT OFFENDER.

(3)”;

strike beginning with “AN” in line 19 down through “COURT” in line 20 and substitute “ANY EVIDENCE THAT THE COURT CONSIDERS APPROPRIATE TO THE DETERMINATION OF WHETHER THE INDIVIDUAL IS A SEXUALLY VIOLENT PREDATOR, INCLUDING THE PRESENTENCING INVESTIGATION AND THE OFFENDER’S INMATE RECORD”; and in line 21, strike “, INCLUDING EXPERT TESTIMONY,”.

On page 13, in line 37, strike the colon and substitute “CONSIDER ANY EVIDENCE THAT THE COURT CONSIDERS APPROPRIATE.”.

On pages 13 and 14, strike in their entirety the lines beginning with line 38 on page 13 through line 2 on page 14, inclusive.

On pages 14 and 15, strike in their entirety the lines beginning with line 20 on page 14 through line 7 on page 15, inclusive.

On page 15, after line 11, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That the Court of Appeals shall adopt rules governing the determination of sexually violent predators.”.

AMENDMENT NO. 6

On page 4, in line 11, after “(III)” insert “EXCEPT AS PROVIDED IN SUBPARAGRAPH (VII) OF THIS PARAGRAPH,”; in line 18, strike “OR”; and in line 20, after “CONVICTED” insert “; OR

(VII) IF THE SEXUAL OFFENDER IS UNDER THE SUPERVISION OF THE DIVISION OF PAROLE AND PROBATION, THE DIRECTOR OF PAROLE AND PROBATION”.

(Over)

On page 8, in line 1, after “(III)” insert “EXCEPT AS PROVIDED IN SUBPARAGRAPH (VII) OF THIS PARAGRAPH,”; in line 9, strike “OR”; and in line 12, after “CONVICTED” insert “; OR

(VII) IF THE SEXUAL OFFENDER IS UNDER THE SUPERVISION OF THE DIVISION OF PAROLE AND PROBATION, THE DIRECTOR OF PAROLE AND PROBATION”.

AMENDMENT NO. 7

On page 6, before line 14, insert:

“(J) THE DEPARTMENT SHALL RELEASE INFORMATION CONCERNING REGISTRATION STATEMENTS TO THE PUBLIC IN ACCORDANCE WITH REGULATIONS ESTABLISHED BY THE DEPARTMENT.”.

On page 12, in line 21, after “REQUEST” insert “FOR A COPY OF A REGISTRATION STATEMENT”; in the same line after “PARAGRAPH” strike the colon and substitute “SHALL CONTAIN:

1. THE NAME AND ADDRESS OF THE PERSON SUBMITTING THE REQUEST; AND

2. THE REASON FOR REQUESTING THE INFORMATION.”;

strike in their entirety lines 22 through 26, inclusive; in line 30, after “(5)” insert:

“(I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A LOCAL LAW ENFORCEMENT AGENCY MAY PROVIDE ELECTRONIC ACCESS TO COPIES OF THE REGISTRATION STATEMENTS ON RECORD WITH THE AGENCY TO A PERSON WHO SUBMITS A REQUEST FOR SUCH INFORMATION ON THE INTERNET.

(II) A REQUEST FOR COPIES OF REGISTRATION STATEMENTS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL CONTAIN:

1. THE NAME AND ADDRESS OF THE PERSON SUBMITTING
THE REQUEST; AND

2. THE REASON FOR REQUESTING THE INFORMATION.

(III) A LOCAL LAW ENFORCEMENT AGENCY SHALL KEEP
RECORDS OF ALL REQUESTS RECEIVED UNDER THIS PARAGRAPH.

(6)”;

and in line 35 strike “(6)” and substitute “(7)”.

AMENDMENT NO. 8

On page 15, before line 12, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That nothing in this Act shall be construed to impose a duty on a licensed real estate broker, licensed real estate associate broker, or licensed real estate salesperson to disclose information concerning a sexual offender or sexually violent predator who is required to register under this Act. The identity of or fact that a sexual offender or sexually violent predator who is required to register under this Act resides or works in a community is not a material fact required to be disclosed by a real estate licensee under Title 17 of the Business Occupations and Professions Article.”;

in line 12, strike “3.” and substitute “5.”; and in line 16, strike “4.” and substitute “6.”.