

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 2
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “Administration)” insert “and Delegates Vallario, Busch, Brown, Hixson, Petzold, Anderson, Aumann, Barkley, Bartlett, Barve, Bates, Benson, Bobo, Bohanan, Boschert, Boteler, Branch, Bromwell, Bronrott, Burns, Cadden, Cane, Cardin, Carter, G. Clagett, V. Clagett, Cluster, Conroy, Conway, Cryor, C. Davis, D. Davis, DeBoy, Donoghue, Doory, Dumais, Dwyer, Eckardt, Edwards, Elliott, Elmore, Feldman, Frank, Frush, Gaines, Gilleland, Glassman, Goldwater, Goodwin, Gordon, Griffith, Gutierrez, Haddaway, Hammen, Harrison, Haynes, Healey, Heller, Holmes, Hogan, Howard, Hubbard, Impallaria, James, Jameson, Jennings, Jones, Kach, Kaiser, Kelley, Kelly, King, Kirk, Kohl, Krebs, Krysiak, Kullen, Lawton, Lee, Leopold, Levy, Love, Madaleno, Malone, Mandel, Marriott, Mathias, Mayer, McComas, McConkey, McDonough, McHale, McIntosh, McKee, McMillan, Menes, Miller, Minnick, Moe, Montgomery, Morhaim, Murray, Myers, Nathan-Pulliam, Niemann, Oaks, O’Donnell, Olszewski, Paige, Parker, Parrott, Patterson, Pendergrass, Proctor, Pugh, Quinter, Rosenberg, Ross, Rudolph, Shank, Shewell, Simmons, Smigiel, Sophocleus, Sossi, Stern, Stocksdale, Stull, Taylor, Trueschler, F. Turner, V. Turner, Vaughn, Walkup, Weir, Weldon, Wood, and Zirkin”.

AMENDMENT NO. 2

On pages 1 through 4, strike in their entirety the lines beginning with line 3 on page 1 through line 22 on page 4, inclusive.

On page 4, before line 23, insert:

“FOR the purpose of authorizing the Maryland Parole Commission to administer certain extended sexual offender parole supervision; prohibiting certain sexual acts involving children who are under a certain age; requiring a court to impose a certain sentence for certain offenses under

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certain circumstances; establishing certain penalties; requiring the State to provide certain notice under certain circumstances; providing that certain sentences shall not apply under certain circumstances; prohibiting the Commission from granting credit for time between release on parole and revocation of parole for certain sexual offenders under certain circumstances; providing that the jurisdiction of the District Court is concurrent with the jurisdiction of the circuit court in certain criminal cases involving registration of certain offenders; establishing that the initial registration of an individual relating to certain sexual offenses and offenses involving children is a reportable offense for certain criminal records purposes; establishing that all persons subject to certain registration requirements must register in person every 3 months; requiring that certain registrations include a photograph that shall be updated at least once each year; repealing certain dates before which certain registrants are required to register; increasing the term of registration of certain registrants; requiring a certain supervising authority to obtain a DNA sample from a certain registrant under certain circumstances; altering certain time periods for certain notification requirements; requiring a local law enforcement unit to provide a certain notice to a certain county superintendent and certain nonpublic schools of a change of address of a certain sexual offender within a certain time period; requiring a local law enforcement unit to provide a certain notice to a certain police department of a certain change of address of a certain sexual offender within a certain time period; requiring a certain police department to provide a certain notice to a certain commander of a local police precinct or district within a certain time period; requiring a local law enforcement unit to send a copy of a certain notice to a certain commander of a local police precinct or district within a certain time period; authorizing a local law enforcement unit to send a certain notice to certain organizations that serve children and other individuals vulnerable to certain offenders; repealing the requirement that the Department of Public Safety and Correctional Services annually mail a certain verification form; repealing the requirement that a local law enforcement unit mail a certain verification form every 90 days; requiring the Department to reimburse a local law enforcement unit for the costs of certain community notification; requiring certain registration statements to include a certain description of the crime that is the basis for the registration of a certain offender; requiring the Department, through a certain Internet posting of current registrants, to allow the public to electronically transmit certain information to the Department, to certain parole and probation agents, and to local law enforcement units; requiring the Department to allow certain members of the public, by request, to receive electronic mail notification of the release and registration information of certain offenders; authorizing the Department or a local law enforcement unit to provide certain information to

a certain person under certain circumstances; requiring the Department to adopt certain regulations; altering the classification of the crime from a misdemeanor to a felony and increasing the maximum penalties for a person convicted of knowingly failing to register as an offender for certain crimes, knowingly failing to provide a certain written notice to the Department, and knowingly providing false information of a material fact on a certain registration statement; prohibiting certain registrants from entering the real property of certain schools, day care homes, child care homes, or child care institutions under certain circumstances; establishing certain penalties; requiring a sentence for a certain category of sexual offender to include a term of extended sexual offender parole supervision; creating certain exceptions; giving a certain judge discretion to impose a term of extended sexual offender parole supervision for a certain category of sexual offender; requiring that a term of extended sexual offender parole supervision have a certain minimum and a possible certain maximum period and commence at the expiration of a certain term; requiring a judge to state on the record at a certain time that a certain defendant's sentence shall include a term of extended sexual offender parole supervision; requiring that the Commission enter into and sign certain extended sexual offender parole supervision agreements that set out certain conditions and are based on a certain risk assessment and classification; requiring the Commission to hear and adjudicate certain cases; authorizing the Commission to impose certain sanctions on certain registrants; providing that imprisonment for a certain violation is not subject to diminution credits; authorizing certain specific conditions of extended sexual offender parole supervision agreements; requiring the Commission to hear and adjudicate a certain petition for discharge from extended sexual offender parole supervision; authorizing a certain registrant to petition for discharge after serving a certain period of extended supervision; authorizing a registrant whose petition for discharge is denied to petition for discharge again after a certain period; requiring a certain petition for discharge to include a certain risk assessment of a registrant and a recommendation from a certain sexual offender management team; prohibiting the Commission from discharging a registrant from certain supervision unless the Commission determines that the registrant no longer poses an unacceptable risk to community safety; requiring the Commission to, by regulation, establish certain notice and hearing procedures; providing that the Commission has certain powers for the purpose of carrying out certain duties; requiring the Commission to appoint a certain administrator; providing that participation in a certain treatment program shall not prohibit a convicted individual from continuing to maintain a certain innocence; requiring that a sexual

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offender parole supervision be conducted by a sexual offender management team under the supervision of the Division of Parole and Probation; requiring a sexual offender management team to be composed of a certain parole and probation agent, sexual offender treatment provider, and law enforcement representative; authorizing a sexual offender management team to include certain other persons; requiring a sexual offender management team to submit certain progress reports on certain registrants at certain intervals; requiring a sexual offender management team to provide a copy of a certain progress report to a certain local law enforcement unit; establishing a Sexual Offender Advisory Board; providing for the membership, appointment, terms, staggering of terms, reimbursements, chairman, quorum and meeting requirements, duties, and staffing of the Board; requiring certain units of government to cooperate with the Board; requiring the Commission, with the advice of the Board, to adopt certain regulations; defining certain terms; altering certain definitions; specifying the terms of the initial members of the Board; making this Act an emergency measure; and generally relating to the supervision of, notification concerning, and penalties for sexual offenders.

BY repealing and reenacting, without amendments,

Article - Correctional Services
Section 7-205
Annotated Code of Maryland
(1999 Volume and 2005 Supplement)

BY repealing and reenacting, with amendments,

Article - Correctional Services
Section 7-206 and 7-401(d)
Annotated Code of Maryland
(1999 Volume and 2005 Supplement)

BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings
Section 4-301(b)(21) and (22) and 4-302(a) and (d)(1)
Annotated Code of Maryland
(2002 Replacement Volume and 2005 Supplement)

BY adding to

Article - Courts and Judicial Proceedings
Section 4-301(b)(23)
Annotated Code of Maryland
(2002 Replacement Volume and 2005 Supplement)

BY repealing and reenacting, with amendments,

Article - Criminal Law
Section 3-303 through 3-306 and 3-309 through 3-312
Annotated Code of Maryland
(2002 Volume and 2005 Supplement)

BY repealing and reenacting, with amendments,

Article - Criminal Procedure
Section 10-215(a), 11-701, 11-707, 11-708(b), 11-709, 11-713, 11-717, 11-718, and 11-721
Annotated Code of Maryland
(2001 Volume and 2005 Supplement)

BY repealing

Article - Criminal Procedure
Section 11-711
Annotated Code of Maryland
(2001 Replacement Volume and 2005 Supplement)

BY adding to

Article - Criminal Procedure
Section 11-722 through 11-726
Annotated Code of Maryland
(2001 Volume and 2005 Supplement)

BY adding to

Article - Public Safety
Section 1-401 to be under the new subtitle "Subtitle 4. Sexual Offender Advisory Board"
Annotated Code of Maryland

(2003 Volume and 2005 Supplement)".

AMENDMENT NO. 3

On pages 6 and 7, strike in their entirety the lines beginning with line 30 on page 6 through line 23 on page 7, inclusive, and substitute:

"7-401.

(d) (1) Subject to [paragraph (2)] PARAGRAPHS (2) AND (3) of this subsection and further action by the Commission, if the order of parole is revoked, the inmate shall serve the remainder of the sentence originally imposed unless the commissioner hearing the parole revocation, in the commissioner's discretion, grants credit for time between release on parole and revocation of parole.

(2) An inmate may not receive credit for time between release on parole and revocation of parole if:

(i) the inmate was serving a sentence for a violent crime when parole was revoked; and

(ii) the parole was revoked due to a finding that the inmate committed a violent crime while on parole.

(3) AN INMATE MAY NOT RECEIVE CREDIT FOR TIME BETWEEN RELEASE ON PAROLE AND REVOCATION OF PAROLE IF:

(I) THE INMATE WAS SERVING A SENTENCE FOR A VIOLATION OF §§ 3-303 THROUGH 3-307, §§ 3-309 THROUGH 3-312, § 3-315, OR § 3-602 OF THE CRIMINAL LAW ARTICLE WHEN PAROLE WAS REVOKED; AND

(II) THE PAROLE WAS REVOKED FOR A FINDING THAT THE INMATE HAD:

1. COMMITTED A VIOLENT CRIME WHILE ON PAROLE;

2. COMMITTED A VIOLATION OF § 3-307, § 3-308, § 3-315, §§ 3-321 THROUGH 3-324, OR § 3-602 OF THE CRIMINAL LAW ARTICLE; OR

3. COMMITTED A VIOLATION OF § 11-721 OR § 11-722 OF THE CRIMINAL PROCEDURE ARTICLE.

Article - Courts and Judicial Proceedings

4-301.

(b) Except as provided in § 4-302 of this subtitle, the District Court also has exclusive original jurisdiction in a criminal case in which a person at least 18 years old or a corporation is charged with:

(21) Violation of §§ 16-801 through 16-804 of the Election Law Article; [or]

(22) Violation of § 3-203(c) of the Criminal Law Article; OR

(23) VIOLATION OF § 11-721 OF THE CRIMINAL PROCEDURE ARTICLE.

4-302.

(a) Except as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), [and] (22), AND (23) of this subtitle, the District Court does not have jurisdiction to try a criminal case charging the commission of a felony.

(d) (1) Except as provided in paragraph (2) of this subsection, the jurisdiction of the District Court is concurrent with that of the circuit court in a criminal case:

(i) In which the penalty may be confinement for 3 years or more or a fine of \$2,500 or more; or

(ii) That is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9), (10),

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(11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), [and] (22), AND (23) of this subtitle.”.

AMENDMENT NO. 4

On page 8, in line 23, after “(I)” insert “SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH.”; strike in their entirety lines 29 through 31, inclusive, and substitute:

“(III) IF THE STATE FAILS TO COMPLY WITH SUBSECTION (E) OF THIS SECTION, THE MANDATORY MINIMUM SENTENCE SHALL NOT APPLY.”;

and in line 34, after “section,” insert “OR IMPRISONMENT FOR NOT LESS THAN 25 YEARS UNDER SUBSECTION (D)(4) OF THIS SECTION.”.

On page 9, in line 15, after “(I)” insert “SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH.”; in lines 17 and 20, in each instance, strike “15” and substitute “5”; in line 18, strike “LIFE” and substitute “20 YEARS”; and strike in their entirety lines 21 through 23, inclusive, and substitute:

“(III) IF THE STATE FAILS TO COMPLY WITH SUBSECTION (D) OF THIS SECTION, THE MANDATORY MINIMUM SENTENCE SHALL NOT APPLY.

(D) IF THE STATE INTENDS TO SEEK A SENTENCE OF IMPRISONMENT FOR NOT LESS THAN 5 YEARS UNDER SUBSECTION (C)(2) OF THIS SECTION, THE STATE SHALL NOTIFY THE PERSON IN WRITING OF THE STATE’S INTENTION AT LEAST 30 DAYS BEFORE TRIAL.”.

On page 10, in line 19, after “(I)” insert “SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH.”; strike in their entirety lines 25 through 27, inclusive, and substitute:

“(III) IF THE STATE FAILS TO COMPLY WITH SUBSECTION (E) OF THIS SECTION, THE MANDATORY MINIMUM SENTENCE SHALL NOT APPLY.”;

and in line 30, after “section,” insert “OR IMPRISONMENT FOR NOT LESS THAN 25 YEARS UNDER SUBSECTION (D)(4) OF THIS SECTION.”.

On page 11, in line 12, after “(I)” insert “SUBJECT TO SUBPARAGRAPH (III) OF THIS

PARAGRAPH,”; in lines 14 and 17, in each instance, strike “15” and substitute “5”; in line 15, strike “LIFE” and substitute “20 YEARS”; and strike in their entirety lines 18 through 20, inclusive, and substitute:

“(III) IF THE STATE FAILS TO COMPLY WITH SUBSECTION (D) OF THIS SECTION, THE MANDATORY MINIMUM SENTENCE SHALL NOT APPLY.

(D) IF THE STATE INTENDS TO SEEK A SENTENCE OF IMPRISONMENT FOR NOT LESS THAN 5 YEARS UNDER SUBSECTION (C)(2) OF THIS SECTION, THE STATE SHALL NOTIFY THE PERSON IN WRITING OF THE STATE’S INTENTION AT LEAST 30 DAYS BEFORE TRIAL.”.

AMENDMENT NO. 5

On pages 12 through 34, strike in their entirety the lines beginning with line 6 on page 12 through line 5 on page 34, inclusive.

On page 34, before line 6, insert:

“Article - Criminal Procedure

10-215.

(a) The following events are reportable events under this subtitle that must be reported to the Central Repository in accordance with § 10-214 of this subtitle:

- (1) the issuance or withdrawal of an arrest warrant;
- (2) an arrest;
- (3) the release of a person after arrest without the filing of a charge;
- (4) the filing of a charging document;
- (5) a release pending trial or an appeal;

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- (6) a commitment to an institution of pretrial detention;
- (7) the dismissal of an indictment or criminal information;
- (8) a nolle prosequi;
- (9) the marking of a charge "stet" on the docket;
- (10) an acquittal, conviction, verdict of not criminally responsible, or any other disposition of a case at or following trial, including a finding of probation before judgment;
- (11) the imposition of a sentence;
- (12) a commitment to a State correctional facility or local correctional facility;
- (13) a commitment to the Department of Health and Mental Hygiene under § 3-105 or § 3-111 of this article as incompetent to stand trial or not criminally responsible;
- (14) a release from detention or confinement;
- (15) a conditional release, revocation of conditional release, or discharge of a person committed to the Department of Health and Mental Hygiene under § 3-105 or § 3-111 of this article as incompetent to stand trial or not criminally responsible;
- (16) an escape from confinement or commitment;
- (17) a pardon, reprieve, commutation of a sentence, or other change in a sentence, including a change in a sentence that a court orders;
- (18) an entry of an appeal to an appellate court;
- (19) a judgment of an appellate court;
- (20) an order of a court in a collateral proceeding that affects a person's conviction,

sentence, or confinement;

(21) an adjudication of a child as delinquent:

(i) if the child is at least 14 years old, for an act described in § 3-8A-03(d)(1) of the Courts Article; or

(ii) if the child is at least 16 years old, for an act described in § 3-8A-03(d)(4) or (5) of the Courts Article;

(22) the issuance or withdrawal of a writ of attachment by a juvenile court; [and]

(23) THE INITIAL REGISTRATION OF A PERSON UNDER TITLE 11, SUBTITLE 7 OF THIS ARTICLE; AND

~~[(23)]~~ (24) any other event arising out of or occurring during the course of a criminal proceeding that the Secretary by regulation or the Court of Appeals by rule makes a reportable event.

11-701.

(a) In this subtitle the following words have the meanings indicated.

(A-1) "BOARD" MEANS THE SEXUAL OFFENDER ADVISORY BOARD.

(b) "Child sexual offender" means a person who:

(1) has been convicted of violating § 3-602 of the Criminal Law Article;

(2) has been convicted of violating any of the provisions of [the rape or sexual offense statutes under] §§ 3-303 through [3-307] 3-307, §§ 3-309 THROUGH 3-312, § 3-315, OR §§ 3-321 THROUGH 3-324 of the Criminal Law Article for a crime involving a child under the age of 15 years;

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(3) has been convicted of violating the fourth degree sexual offense statute under § 3-308 of the Criminal Law Article for a crime involving a child under the age of 15 years and has been ordered by the court to register under this subtitle; or

(4) has been convicted in another state or in a federal, military, or Native American tribal court of a crime that, if committed in this State, would constitute one of the crimes listed in items (1) and (2) of this subsection.

(B-1) "COMMISSION" MEANS THE MARYLAND PAROLE COMMISSION.

[(b-1)] (B-2) "Employment" means an occupation, job, or vocation that is full time or part time for a period exceeding 14 days or for an aggregate period exceeding 30 days during a calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit.

(c) "Local law enforcement unit" means the law enforcement unit in a county that has been designated by resolution of the county governing body as the primary law enforcement unit in the county.

(d) "Offender" means a person who is ordered by a court to register under this subtitle and who:

(1) has been convicted of violating § 3-503 of the Criminal Law Article;

(2) has been convicted of violating § 3-502 of the Criminal Law Article or the fourth degree sexual offense statute under § 3-308 of the Criminal Law Article, if the victim is under the age of 18 years;

(3) has been convicted of the common law crime of false imprisonment, if the victim is under the age of 18 years and the person is not the victim's parent;

(4) has been convicted of a crime that involves soliciting a person under the age of 18 years to engage in sexual conduct;

(5) has been convicted of violating the child pornography statute under § 11-207 of the Criminal Law Article;

(6) has been convicted of violating any of the prostitution and related crimes statutes under Title 11, Subtitle 3 of the Criminal Law Article if the intended prostitute or victim is under the age of 18 years;

(7) has been convicted of a crime that involves conduct that by its nature is a sexual offense against a person under the age of 18 years;

(8) has been convicted of an attempt to commit a crime listed in items (1) through (7) of this subsection; or

(9) has been convicted in another state or in a federal, military, or Native American tribal court of a crime that, if committed in this State, would constitute one of the crimes listed in items (1) through (8) of this subsection.

(e) (1) Except as otherwise provided in this subsection, "release" means any type of release from the custody of a supervising authority.

(2) "Release" means:

(i) release on parole;

(ii) mandatory supervision release;

(iii) release from a correctional facility with no required period of supervision;

(iv) work release;

(v) placement on home detention; and

(vi) the first instance of entry into the community that is part of a supervising authority's graduated release program.

(3) "Release" does not include:

(i) an escape; or

(ii) leave that is granted on an emergency basis.

(f) "Sexually violent offender" means a person who:

(1) has been convicted of a sexually violent offense; or

(2) has been convicted of an attempt to commit a sexually violent offense.

(g) "Sexually violent offense" means:

(1) a violation of §§ 3-303 through 3-307 or §§ 3-309 through 3-312 of the Criminal Law Article;

(2) assault with intent to commit rape in the first or second degree or a sexual offense in the first or second degree as prohibited on or before September 30, 1996, under former Article 27, § 12 of the Code; or

(3) a crime committed in another state or in a federal, military, or Native American tribal jurisdiction that, if committed in this State, would constitute one of the crimes listed in item (1) or (2) of this subsection.

(h) "Sexually violent predator" means:

(1) a person who:

(i) is convicted of a sexually violent offense; and

(ii) has been determined in accordance with this subtitle to be at risk of committing another sexually violent offense; or

(2) a person who is or was required to register every 90 days for life under the laws of another state or a federal, military, or Native American tribal jurisdiction.

(i) "Supervising authority" means:

(1) the Secretary, if the registrant is in the custody of a correctional facility operated by the Department;

(2) the administrator of a local correctional facility, if the registrant, including a participant in a home detention program, is in the custody of the local correctional facility;

(3) the court that granted the probation or suspended sentence, except as provided in item (12) of this subsection, if the registrant is granted probation before judgment, probation after judgment, or a suspended sentence;

(4) the Director of the Patuxent Institution, if the registrant is in the custody of the Patuxent Institution;

(5) the Secretary of Health and Mental Hygiene, if the registrant is in the custody of a facility operated by the Department of Health and Mental Hygiene;

(6) the court in which the registrant was convicted, if the registrant's sentence does not include a term of imprisonment or if the sentence is modified to time served;

(7) the Secretary, if the registrant is in the State under terms and conditions of the Interstate Compact for Adult Offender Supervision, set forth in Title 6, Subtitle 2 of the Correctional Services Article, or the Interstate Corrections Compact, set forth in Title 8, Subtitle 6 of the Correctional Services Article;

(8) the Secretary, if the registrant moves to this State and was convicted in another state of a crime that would require the registrant to register if the crime was committed in this State;

(9) the Secretary, if the registrant moves to this State from another state where the

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registrant was required to register;

(10) the Secretary, if the registrant is convicted in a federal, military, or Native American tribal court and is not under supervision by another supervising authority;

(11) the Secretary, if the registrant is not a resident of this State and has been convicted in another state or by a federal, military, or Native American tribal court; or

(12) the Director of Parole and Probation, if the registrant is under the supervision of the Division of Parole and Probation.

(j) "Transient" means a nonresident registrant who enters a county of this State with the intent to be in the State or is in the State for a period exceeding 14 days or for an aggregate period exceeding 30 days during a calendar year for a purpose other than employment or to attend an educational institution.

11-707.

(a) (1) (i) A child sexual offender shall register [annually in person, on or before January 1,] IN PERSON EVERY 3 MONTHS with a local law enforcement unit for the term provided under paragraph (4) of this subsection.

(ii) [Each registration shall include a new photograph] REGISTRATION SHALL INCLUDE A PHOTOGRAPH THAT SHALL BE UPDATED AT LEAST ONCE EACH YEAR.

(2) (I) An offender and a sexually violent offender shall register [annually, on or before January 1,] IN PERSON EVERY 3 MONTHS with the Department [in accordance with § 11-711(a) of this subtitle and] for the term provided under paragraph (4) of this subsection.

(II) REGISTRATION SHALL INCLUDE A PHOTOGRAPH THAT SHALL BE UPDATED AT LEAST ONCE EACH YEAR.

(3) (i) A sexually violent predator shall register in person every [90 days] 3 MONTHS [, on or before January 1, April 1, July 1, and October 1, in accordance with § 11-711(b)

of this subtitle and] for the term provided under paragraph (4)(ii) of this subsection.

(ii) Registration shall include a photograph that shall be updated at least once each year.

(4) The term of registration is:

(i) [10] 20 years; or

(ii) life, if:

1. the registrant is a sexually violent predator;

2. the registrant has been convicted of a sexually violent offense;

3. the registrant has been convicted of a violation of § 3-602 of the Criminal Law Article for commission of a sexual act involving penetration of a child under the age of 12 years; or

4. the registrant has been convicted of a prior crime as a child sexual offender, an offender, or a sexually violent offender.

(5) A registrant who is not a resident of the State shall register for the appropriate time specified in this subsection or until the registrant's employment, student enrollment, or transient status in the State ends.

(b) A term of registration described in this section shall be computed from:

(1) the last date of release;

(2) the date granted probation; or

(3) the date granted a suspended sentence.

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11-708.

(b) (1) The supervising authority shall obtain a photograph and fingerprints of the registrant and attach the photograph and fingerprints to the registration statement.

(2) FOR A REGISTRANT WHO HAS NOT SUBMITTED A DNA SAMPLE, AS DEFINED IN § 2-501 OF THE PUBLIC SAFETY ARTICLE, FOR INCLUSION IN THE STATEWIDE DNA DATABASE SYSTEM OF THE DEPARTMENT OF STATE POLICE CRIME LABORATORY, A SUPERVISING AUTHORITY SHALL:

(I) OBTAIN A DNA SAMPLE FROM THE REGISTRANT AT THE REGISTRANT'S INITIAL REGISTRATION; AND

(II) PROVIDE THE SAMPLE TO THE STATEWIDE DNA DATABASE SYSTEM OF THE DEPARTMENT OF STATE POLICE CRIME LABORATORY.

11-709.

(a) (1) [Each year] EVERY 3 MONTHS, within 5 days after a child sexual offender OR SEXUALLY VIOLENT PREDATOR completes the registration requirements of § 11-707(a) of this subtitle, a local law enforcement unit shall send notice of the child sexual offender's OR SEXUALLY VIOLENT PREDATOR'S annual registration[, including the photograph,] to the Department.

(2) EACH YEAR, A LOCAL LAW ENFORCEMENT UNIT SHALL SEND A CHILD SEXUAL OFFENDER'S AND SEXUALLY VIOLENT PREDATOR'S UPDATED PHOTOGRAPH TO THE DEPARTMENT WITHIN 6 DAYS AFTER THE PHOTOGRAPH IS SUBMITTED.

(b) (1) As soon as possible but not later than [5] 10 working days after receiving a registration statement of a child sexual offender OR NOTICE OF A CHANGE OF ADDRESS OF A CHILD SEXUAL OFFENDER, a local law enforcement unit shall send written notice of the registration statement OR CHANGE OF ADDRESS to the county superintendent, as defined in § 1-101 of the Education Article, AND ALL NONPUBLIC PRIMARY AND SECONDARY SCHOOLS

in the county where the child sexual offender is to reside or where a child sexual offender who is not a resident of the State is a transient or will work or attend school.

(2) As soon as possible but not later than [5] 10 working days after receiving notice from the local law enforcement unit under paragraph (1) of this subsection, the county superintendent shall send written notice of the registration statement to principals of the schools under the superintendent's supervision that the superintendent considers necessary to protect the students of a school from a child sexual offender.

(c) A local law enforcement unit that receives a notice from a supervising authority under this [section] SUBTITLE shall send a copy of the notice to the police department, if any, of a municipal corporation if the registrant:

(1) is to reside in the municipal corporation after release; [or]

(2) escapes from a facility but resided in the municipal corporation before being committed to the custody of a supervising authority; OR

(3) IS TO CHANGE ADDRESSES TO ANOTHER PLACE OF RESIDENCE WITHIN THE MUNICIPAL CORPORATION.

(D) AS SOON AS POSSIBLE BUT NOT LATER THAN 10 WORKING DAYS AFTER RECEIVING NOTICE FROM A LOCAL LAW ENFORCEMENT UNIT UNDER THIS SECTION, A POLICE DEPARTMENT OF A MUNICIPAL CORPORATION SHALL SEND A COPY OF THE NOTICE TO THE COMMANDER OF THE LOCAL POLICE PRECINCT OR DISTRICT IN WHICH THE CHILD SEXUAL OFFENDER IS TO RESIDE OR WHERE A CHILD SEXUAL OFFENDER WHO IS NOT A RESIDENT OF THE STATE IS A TRANSIENT OR WILL WORK OR ATTEND SCHOOL.

(E) AS SOON AS POSSIBLE BUT NOT LATER THAN 10 WORKING DAYS AFTER RECEIVING A NOTICE FROM A SUPERVISING AUTHORITY UNDER THIS SUBTITLE, A LOCAL LAW ENFORCEMENT UNIT SHALL SEND A COPY OF THE NOTICE TO THE COMMANDER OF THE LAW ENFORCEMENT UNIT IN THE DISTRICT OR AREA IN

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WHICH THE CHILD SEXUAL OFFENDER IS TO RESIDE OR WHERE A CHILD SEXUAL OFFENDER WHO IS NOT A RESIDENT OF THE STATE IS A TRANSIENT OR WILL WORK OR ATTEND SCHOOL.

(F) A LOCAL LAW ENFORCEMENT UNIT MAY NOTIFY THE FOLLOWING ENTITIES THAT ARE LOCATED WITHIN THE COMMUNITY IN WHICH A CHILD SEXUAL OFFENDER IS TO RESIDE OR WHERE A CHILD SEXUAL OFFENDER WHO IS NOT A RESIDENT OF THE STATE IS A TRANSIENT OR WILL WORK OR ATTEND SCHOOL OF THE FILING OF A REGISTRATION STATEMENT OR NOTICE OF CHANGE OF ADDRESS BY THE CHILD SEXUAL OFFENDER:

(1) FAMILY DAY CARE HOMES OR CHILD CARE CENTERS REGISTERED OR LICENSED UNDER TITLE 5, SUBTITLE 5 OF THE FAMILY LAW ARTICLE;

(2) CHILD RECREATION FACILITIES;

(3) FAITH INSTITUTIONS; AND

(4) OTHER ORGANIZATIONS THAT SERVE CHILDREN AND OTHER INDIVIDUALS VULNERABLE TO CHILD SEXUAL OFFENDERS.

[11-711.

(a) (1) The Department shall mail annually a verification form to the last reported address of each offender and sexually violent offender.

(2) The verification form may not be forwarded.

(3) Within 10 days after receiving the verification form, the offender or sexually violent offender shall sign the verification form and mail it to the Department.

(b) (1) A local law enforcement unit shall mail a verification form every 90 days to the last reported address of a sexually violent predator.

(2) The verification form may not be forwarded.

(3) Within 10 days after receiving the verification form, the sexually violent predator shall sign the form and mail it to the local law enforcement unit.

(4) Within 5 days after receiving a verification form from a sexually violent predator, a local law enforcement unit shall send a copy of the verification form to the Department.]

11-713.

The Department:

(1) as soon as possible but not later than 5 working days after receiving the conviction data and fingerprints of a registrant, shall transmit the data and fingerprints to the Federal Bureau of Investigation if the Bureau does not have that information;

(2) shall keep a central registry of registrants;

(3) shall reimburse supervising authorities for the cost of processing the registration statements of registrants, including the cost of taking fingerprints and photographs; AND

(4) SHALL REIMBURSE LOCAL LAW ENFORCEMENT UNITS FOR THE REASONABLE COSTS OF IMPLEMENTING COMMUNITY NOTIFICATION PROCEDURES.

11-717.

(a) (1) The Department shall make available to the public registration statements or information about registration statements.

(2) INFORMATION ABOUT REGISTRATION STATEMENTS SHALL INCLUDE, IN PLAIN LANGUAGE THAT CAN BE UNDERSTOOD WITHOUT SPECIAL KNOWLEDGE OF THE CRIMINAL LAWS OF THE STATE, A DESCRIPTION OF THE CRIME OF THE OFFENDER THAT IS THE BASIS FOR THE REGISTRATION, EXCLUDING DETAIL THAT WOULD IDENTIFY THE VICTIM.

(Over)

(b) The Department may post on the Internet a current listing of each registrant's name, crime, and other identifying information.

(C) THE DEPARTMENT, THROUGH AN INTERNET POSTING OF CURRENT REGISTRANTS, SHALL ALLOW THE PUBLIC TO ELECTRONICALLY TRANSMIT INFORMATION THE PUBLIC MAY HAVE ABOUT A REGISTRANT TO THE DEPARTMENT, A PAROLE AND PROBATION AGENT OF A REGISTRANT, AND THE LOCAL LAW ENFORCEMENT UNIT WHERE A REGISTRANT RESIDES OR WHERE A REGISTRANT WHO IS NOT A RESIDENT OF THE STATE IS A TRANSIENT OR WILL WORK OR ATTEND SCHOOL.

(D) THE DEPARTMENT SHALL ALLOW MEMBERS OF THE PUBLIC WHO LIVE IN THE COUNTY IN WHICH THE REGISTRANT IS TO RESIDE OR WHERE THE REGISTRANT, IF NOT A RESIDENT OF THE STATE, IS A TRANSIENT OR WILL WORK OR ATTEND SCHOOL, BY REQUEST, TO RECEIVE ELECTRONIC MAIL NOTIFICATION OF THE RELEASE FROM INCARCERATION OF A REGISTERED OFFENDER AND THE REGISTRATION INFORMATION OF THE OFFENDER.

[(c)] (E) The Department shall establish regulations to carry out this section.

11-718.

(a) (1) If the Department or a local law enforcement unit finds that, to protect the public from a specific registrant, it is necessary to give notice of a registration statement OR A CHANGE OF ADDRESS OF THE REGISTRANT to a particular person OR GROUP NOT OTHERWISE IDENTIFIED UNDER § 11-709 OF THIS SUBTITLE, then the Department or a local law enforcement unit shall give notice of the registration statement to that person.

(2) This notice is in addition to the notice required under § 11-709(b)(1) of this subtitle.

(b) (1) The Department and local law enforcement units shall establish procedures to carry out the notification requirements of this section, including the circumstances under and manner in which notification shall be provided.

(2) IN ADDITION TO THE PROCEDURES SPECIFIED IN § 11-709 OF THIS SUBTITLE, A LOCAL LAW ENFORCEMENT UNIT MAY PROVIDE NOTIFICATION BY ANY OTHER METHOD IT CONSIDERS APPROPRIATE.

(3) THE DEPARTMENT SHALL ADOPT REGULATIONS REGARDING THE FACTORS A LOCAL LAW ENFORCEMENT UNIT SHALL CONSIDER IN DETERMINING THE SCOPE AND MANNER OF NOTIFICATION THAT SHALL BEST SERVE THE INTERESTS OF JUSTICE, COMMUNITY SAFETY, AND AVAILABILITY OF RESOURCES TO LOCAL LAW ENFORCEMENT UNITS.

(c) A local law enforcement unit and the Department may not release the identity of a victim of a crime that requires registration under this subtitle.

(d) A disclosure under this section does not limit or prohibit any other disclosure allowed or required under law.

11-721.

(a) A registrant may not knowingly fail to register, knowingly fail to provide the written notice required under § 11-705(d), (e), or (f) of this subtitle, or knowingly provide false information of a material fact as required by this subtitle.

(b) A person who violates this section is guilty of a [misdemeanor] FELONY and on conviction is subject to imprisonment not exceeding [3] 5 years or a fine not exceeding [\$5,000] \$10,000 or both.

[(c) A person who violates this section is subject to § 5-106(b) of the Courts Article.]

11-722.

(A) THIS SECTION DOES NOT APPLY TO A REGISTRANT WHO ENTERS REAL PROPERTY:

(1) ON WHICH THE REGISTRANT IS A STUDENT OR THE

(Over)

REGISTRANT'S CHILD IS A STUDENT OR RECEIVES CHILD CARE, IF:

(I) WITHIN THE PAST YEAR, THE REGISTRANT HAS BEEN GIVEN THE SPECIFIC WRITTEN PERMISSION OF THE SUPERINTENDENT OF SCHOOLS, THE LOCAL SCHOOL BOARD, THE PRINCIPAL OF THE SCHOOL, OR THE OWNER OR OPERATOR OF THE REGISTERED FAMILY DAY CARE HOME, LICENSED CHILD CARE HOME, OR LICENSED CHILD CARE INSTITUTION, AS APPLICABLE; AND

(II) THE REGISTRANT PROMPTLY NOTIFIES AN AGENT OR EMPLOYEE OF THE SCHOOL, HOME, OR INSTITUTION OF THE REGISTRANT'S PRESENCE AND PURPOSE OF VISIT; OR

(2) FOR THE PURPOSE OF VOTING AT A SCHOOL ON AN ELECTION DAY IN THE STATE, IF THE REGISTRANT IS PROPERLY REGISTERED TO VOTE AND THE REGISTRANT'S POLLING PLACE IS AT THE SCHOOL.

(B) A REGISTRANT MAY NOT KNOWINGLY ENTER ON REAL PROPERTY:

(1) THAT IS USED FOR PUBLIC OR NONPUBLIC ELEMENTARY OR SECONDARY EDUCATION; OR

(2) ON WHICH IS LOCATED:

(I) A FAMILY DAY CARE HOME REGISTERED UNDER TITLE 5, SUBTITLE 5 OF THE FAMILY LAW ARTICLE; OR

(II) A CHILD CARE HOME OR A CHILD CARE INSTITUTION LICENSED UNDER TITLE 5, SUBTITLE 5 OF THE FAMILY LAW ARTICLE.

(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A SENTENCE FOR A DEFENDANT FOR A VIOLATION THAT REQUIRES THE DEFENDANT TO REGISTER AS A SEX OFFENDER FOR A TERM OF LIFE UNDER § 11-707 OF THIS SUBTITLE SHALL INCLUDE A TERM OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION.

(B) (1) A DEFENDANT WHO IS SENTENCED TO A TERM OF LIFE WITHOUT THE POSSIBILITY OF PAROLE IS NOT SUBJECT TO A TERM OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION.

(2) THE SENTENCING JUDGE SHALL HAVE DISCRETION TO IMPOSE A TERM OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION IN THE CASE OF A DEFENDANT WHO IS REQUIRED TO REGISTER AS A SEXUAL OFFENDER FOR LIFE BECAUSE THE DEFENDANT HAS BEEN CONVICTED ONCE FOR A THIRD DEGREE SEXUAL OFFENSE, BASED UPON THE DEFENDANT'S VIOLATION OF THE PROHIBITION AGAINST:

(I) ENGAGING IN SEXUAL CONTACT WITH ANOTHER IF THE VICTIM IS UNDER THE AGE OF 14 YEARS, AND THE PERSON PERFORMING THE SEXUAL CONTACT IS AT LEAST 4 YEARS OLDER THAN THE VICTIM;

(II) ENGAGING IN A SEXUAL ACT WITH ANOTHER IF THE VICTIM IS 14 OR 15 YEARS OLD, AND THE PERSON PERFORMING THE SEXUAL ACT IS AT LEAST 21 YEARS OLD; OR

(III) ENGAGING IN VAGINAL INTERCOURSE WITH ANOTHER IF THE VICTIM IS 14 OR 15 YEARS OLD, AND THE PERSON PERFORMING THE ACT IS AT LEAST 21 YEARS OLD.

(C) THE TERM OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION FOR A DEFENDANT SENTENCED ON OR AFTER JUNE 1, 2007, SHALL:

(1) BE A MINIMUM OF 3 YEARS TO A MAXIMUM OF A TERM OF LIFE;

AND

(2) COMMENCE ON THE EXPIRATION OF THE LATER OF ANY TERM OF IMPRISONMENT, PROBATION, PAROLE, OR MANDATORY SUPERVISION.

(D) AT SENTENCING, WHEN APPLICABLE, THE JUDGE SHALL STATE ON THE RECORD THAT THE DEFENDANT'S SENTENCE SHALL INCLUDE A TERM OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION.

11-724.

(A) THE MARYLAND PAROLE COMMISSION SHALL:

(1) ENTER INTO AND SIGN EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION AGREEMENTS WITH REGISTRANTS SENTENCED TO SUPERVISION UNDER § 11-723 OF THIS SUBTITLE THAT SET OUT SPECIFIC CONDITIONS OF SUPERVISION, WHICH SHALL:

(I) BE BASED ON A RISK ASSESSMENT AND CLASSIFICATION THAT HAS BEEN CONDUCTED FOR THE REGISTRANT; AND

(II) BEGIN AT THE COMMENCEMENT OF THE REGISTRANT'S REGULAR PROBATION, PAROLE, OR MANDATORY RELEASE;

(2) HEAR AND ADJUDICATE CASES OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION VIOLATIONS; AND

(3) IMPOSE SANCTIONS FOR EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION VIOLATIONS, INCLUDING ADDITIONAL RESTRICTIVE CONDITIONS OR IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.

(B) IMPRISONMENT FOR AN EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION VIOLATION IS NOT SUBJECT TO DIMINUTION CREDITS.

(C) SPECIFIC CONDITIONS OF EXTENDED SEXUAL OFFENDER PAROLE

SUPERVISION MAY INCLUDE:

(1) MONITORING A REGISTRANT THROUGH GLOBAL POSITIONING SATELLITE TRACKING TECHNOLOGY;

(2) WHERE APPROPRIATE AND FEASIBLE, RESTRICTING A REGISTRANT FROM LIVING IN PROXIMITY TO OR LOITERING NEAR SCHOOLS, FAMILY DAY CARE CENTERS, CHILD CARE CENTERS, AND OTHER SPECIFIC PLACES PRIMARILY USED BY MINORS;

(3) RESTRICTING A REGISTRANT FROM OBTAINING SPECIFIC EMPLOYMENT OR FROM PARTICIPATING IN A SPECIFIC ACTIVITY THAT WOULD BRING THE REGISTRANT INTO CONTACT WITH MINORS;

(4) REQUIRING A REGISTRANT TO PARTICIPATE IN A CERTIFIED SEXUAL OFFENDER TREATMENT PROGRAM;

(5) PROHIBITING A REGISTRANT FROM USING ILLICIT DRUGS OR ABUSING ALCOHOL;

(6) AUTHORIZING PAROLE AND PROBATION AGENTS TO ACCESS THE COMPUTER OF A REGISTRANT FOR COMPLIANCE WITH TERMS OF PAROLE OR SEXUAL OFFENDER TREATMENT;

(7) REQUIRING A REGISTRANT TO TAKE POLYGRAPH EXAMINATIONS; AND

(8) PROHIBITING A REGISTRANT FROM CONTACTING SPECIFIC INDIVIDUALS OR CATEGORIES OF INDIVIDUALS.

(D) (1) THE COMMISSION SHALL HEAR AND ADJUDICATE A PETITION FOR DISCHARGE FROM EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION FROM A REGISTRANT.

(2) A REGISTRANT MAY FILE A PETITION FOR DISCHARGE AFTER SERVING AT LEAST 3 YEARS OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION.

(3) IF A PETITION FOR DISCHARGE IS DENIED, A REGISTRANT MAY NOT RENEW THE PETITION FOR A MINIMUM OF 1 YEAR.

(4) A PETITION FOR DISCHARGE SHALL INCLUDE:

(I) A RISK ASSESSMENT OF THE REGISTRANT CONDUCTED BY A CERTIFIED SEXUAL OFFENDER TREATMENT PROVIDER WITHIN 3 MONTHS BEFORE THE DATE OF THE FILING OF THE PETITION; AND

(II) A RECOMMENDATION FROM THE SEXUAL OFFENDER MANAGEMENT TEAM REGARDING THE DISCHARGE OF THE REGISTRANT.

(5) THE COMMISSION MAY NOT DISCHARGE A REGISTRANT FROM EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION UNLESS THE COMMISSION DETERMINES THAT THE PETITIONER NO LONGER POSES AN UNACCEPTABLE RISK TO COMMUNITY SAFETY.

(E) THE COMMISSION SHALL HAVE ALL OF THE POWERS SET FORTH IN §§ 7-205 AND 7-206 OF THE CORRECTIONAL SERVICES ARTICLE FOR THE PURPOSE OF CARRYING OUT THE DUTIES OF THE COMMISSION UNDER THIS SUBTITLE.

(F) THE COMMISSION SHALL APPOINT AN ADMINISTRATOR TO COORDINATE THE REQUIREMENTS OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION UNDER THIS SUBTITLE.

(G) PARTICIPATION IN A CERTIFIED SEXUAL OFFENDER TREATMENT PROGRAM DOES NOT PROHIBIT A CONVICTED INDIVIDUAL FROM CONTINUING TO MAINTAIN A CONSISTENTLY PROCLAIMED INNOCENCE.

(H) BY REGULATION, THE COMMISSION SHALL ESTABLISH

CONSTITUTIONALLY COMPLIANT NOTICE AND HEARING PROCEDURES APPLICABLE TO THE IMPOSITION OF SANCTIONS FOR EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION VIOLATIONS AND PETITIONS FOR DISCHARGE FROM EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION.

11-725.

(A) UNDER THE SUPERVISION OF THE DIVISION OF PAROLE AND PROBATION, A SEXUAL OFFENDER MANAGEMENT TEAM SHALL CONDUCT EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION AND THE SUPERVISION OF PROBATION, PAROLE, OR MANDATORY RELEASE OF A REGISTRANT SUBJECT TO EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION.

(B) A SEXUAL OFFENDER MANAGEMENT TEAM:

(1) CONSISTS OF:

(I) A SPECIALLY TRAINED PAROLE AND PROBATION AGENT;

(II) A REPRESENTATIVE OF A CERTIFIED SEX OFFENDER TREATMENT PROVIDER; AND

(III) A LAW ENFORCEMENT REPRESENTATIVE; AND

(2) MAY INCLUDE:

(I) VICTIM ADVOCATES;

(II) FAITH COUNSELORS;

(III) EMPLOYMENT COUNSELORS;

(IV) COMMUNITY LEADERS;

(Over)

(V) A POLYGRAPHER; AND

(VI) ANY OTHER PERSON DETERMINED BY THE DIVISION OF PAROLE AND PROBATION TO BE APPROPRIATE.

(C) (1) A SEXUAL OFFENDER MANAGEMENT TEAM SHALL SUBMIT PROGRESS REPORTS ON EACH REGISTRANT TO THE COMMISSION ONCE EVERY 6 MONTHS.

(2) TO THE EXTENT ALLOWED BY FEDERAL LAW, A SEXUAL OFFENDER MANAGEMENT TEAM SHALL PROVIDE COPIES OF EACH PROGRESS REPORT TO LOCAL LAW ENFORCEMENT UNITS OF THE COUNTY IN WHICH THE REGISTRANT RESIDES OR WHERE A SEXUAL OFFENDER WHO IS NOT A RESIDENT OF THE STATE IS A TRANSIENT OR WILL WORK OR ATTEND SCHOOL.

11-726.

THE COMMISSION, WITH THE ADVICE OF THE SEXUAL OFFENDER ADVISORY BOARD ESTABLISHED UNDER § 1-401 OF THE PUBLIC SAFETY ARTICLE, SHALL ADOPT REGULATIONS NECESSARY TO CARRY OUT THE DUTIES OF THE COMMISSION UNDER § 11-724 OF THIS SUBTITLE.

Article - Public Safety

SUBTITLE 4. SEXUAL OFFENDER ADVISORY BOARD.

1-401.

(A) THERE IS A SEXUAL OFFENDER ADVISORY BOARD IN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(B) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:

(1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY

THE PRESIDENT OF THE SENATE;

(2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE;

(3) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, OR THE SECRETARY'S DESIGNEE;

(4) THE DIRECTOR OF THE DIVISION OF PAROLE AND PROBATION, OR THE DIRECTOR'S DESIGNEE;

(5) THE CHAIRMAN OF THE MARYLAND PAROLE COMMISSION, OR THE CHAIRMAN'S DESIGNEE;

(6) THE EXECUTIVE DIRECTOR OF THE MENTAL HYGIENE ADMINISTRATION OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(7) THE SECRETARY OF STATE POLICE, OR THE SECRETARY'S DESIGNEE;

(8) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S DESIGNEE; AND

(9) THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR:

(I) A REPRESENTATIVE FROM A VICTIM'S ADVOCACY GROUP;

(II) A HEALTH CARE PROFESSIONAL WITH EXPERTISE IN MENTAL DISORDERS;

(III) A STATE'S ATTORNEY;

(Over)

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(IV) A LAWYER WITH EXPERTISE IN CRIMINAL DEFENSE;

(V) A SEXUAL OFFENDER TREATMENT PROVIDER;

(VI) A POLYGRAPHER;

(VII) A REPRESENTATIVE OF A LOCAL LAW ENFORCEMENT
UNIT; AND

(VIII) TWO CITIZEN MEMBERS.

(C) (1) THE TERM OF A MEMBER APPOINTED BY THE GOVERNOR IS 4
YEARS.

(2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS
REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON THE
EFFECTIVE DATE OF CHAPTER _____ (H.B. 2) OF THE ACTS OF THE GENERAL
ASSEMBLY OF THE SPECIAL SESSION OF 2006.

(3) AT THE END OF A TERM AN APPOINTED MEMBER CONTINUES TO
SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN
SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED
AND QUALIFIES.

(5) A MEMBER WHOSE TERM HAS EXPIRED MAY BE REAPPOINTED
TO THE BOARD.

(D) A BOARD MEMBER:

(1) MAY NOT RECEIVE COMPENSATION FOR SERVING ON THE
BOARD; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(E) THE GOVERNOR SHALL SELECT A CHAIRMAN FROM AMONG THE BOARD'S MEMBERS.

(F) (1) A MAJORITY OF THE BOARD'S DULY APPOINTED MEMBERS CONSTITUTES A QUORUM.

(2) THE BOARD MAY ADOPT RULES FOR CONDUCTING BUSINESS.

(3) THE BOARD SHALL MEET AT LEAST FOUR TIMES ANNUALLY AT THE TIMES AND PLACES DETERMINED BY THE BOARD.

(G) THE BOARD SHALL:

(1) REVIEW TECHNOLOGY FOR THE TRACKING OF OFFENDERS;

(2) REVIEW THE EFFECTIVENESS OF THE STATE'S LAWS CONCERNING SEXUAL OFFENDERS;

(3) REVIEW THE LAWS OF OTHER STATES AND JURISDICTIONS CONCERNING SEXUAL OFFENDERS;

(4) REVIEW PRACTICES AND PROCEDURES OF THE MARYLAND PAROLE COMMISSION AND THE DIVISION OF PAROLE AND PROBATION CONCERNING SUPERVISION AND MONITORING OF SEXUAL OFFENDERS;

(5) REVIEW DEVELOPMENTS IN THE TREATMENT AND ASSESSMENT OF SEXUAL OFFENDERS; AND

(6) DEVELOP STANDARDS FOR CONDITIONS OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION BASED ON CURRENT AND EVOLVING BEST PRACTICES IN THE FIELD OF SEXUAL OFFENDER MANAGEMENT.

(H) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL:

(Over)

(1) DEVELOP STANDARDS FOR SEXUAL OFFENDER TREATMENT BASED ON CURRENT AND EVOLVING BEST PRACTICES, AND REPORT TO THE BOARD REGARDING SUCH STANDARDS; AND

(2) CERTIFY STATE SEXUAL OFFENDER TREATMENT PROGRAMS THAT ARE IN COMPLIANCE WITH STANDARDS, AND REPORT TO THE BOARD REGARDING SUCH CERTIFICATION.

(I) THE DIVISION OF PAROLE AND PROBATION SHALL PROVIDE TRAINING FOR SEXUAL OFFENDER MANAGEMENT TEAMS, AND REPORT TO THE BOARD REGARDING SUCH TRAINING.

(J) ON OR BEFORE JUNE 30, 2008, AND EVERY YEAR THEREAFTER, THE BOARD SHALL REPORT THE FINDINGS AND RECOMMENDATIONS OF THE BOARD TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

(K) EACH UNIT OF STATE AND LOCAL GOVERNMENT SHALL COOPERATE WITH THE BOARD.

(L) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL PROVIDE STAFF TO THE BOARD.

SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial members of the Sexual Offender Advisory Board who are subject to appointment shall expire as follows:

- (1) One citizen member in 2008;
- (2) The member of the victim's advocacy group in 2008;
- (3) The health care professional with expertise in mental disorders in 2009;
- (4) One citizen member in 2009;

- (5) The sexual offender treatment provider in 2008;
- (6) The lawyer with expertise in criminal defense in 2010;
- (7) The representative of a local law enforcement unit in 2010;
- (8) The State's Attorney in 2010; and
- (9) The polygrapher in 2009.

SECTION 3. AND BE IT FURTHER ENACTED, That, if a registrant who was required to register before the effective date of Chapter _____ (H.B. 2) of the Acts of the General Assembly of the Special Session of 2006 has not submitted a DNA sample, as defined in § 2-501 of the Public Safety Article, for inclusion in the statewide DNA database system of the Department of State Police Crime Laboratory, a supervising authority at the next registration of the registrant shall:

- (1) Obtain a DNA sample from the registrant; and
- (2) Provide the sample to the statewide DNA database system of the Department of State Police Crime Laboratory.”.