

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL NO. 4
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “Administration)” insert “and Senators DeGrange, Dyson, Forehand, Garagiola, Giannetti, Haines, Jacobs, Jimeno, Mooney, and Stone”.

AMENDMENT NO. 2

On pages 1 through 3, strike beginning with “requiring” in line 3 on page 1 down through “Board” in line 13 on page 3 and substitute “authorizing the Maryland Parole Commission to administer certain extended sexual offender parole supervision; prohibiting certain sexual acts by certain individuals involving children who are under a certain age; requiring a court to impose a certain sentence for certain offenses under certain circumstances; establishing certain penalties; requiring the State to notify a certain person of the State’s intention to seek a certain sentence within a certain time period under certain circumstances; establishing that the initial registration of an individual relating to certain sexual offenses is a reportable offense for certain criminal records purposes; requiring a certain notice by a certain person to be sent to a certain registry; altering certain time periods for certain notification requirements; 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; requiring a certain supervising authority to obtain a DNA sample from a certain registrant under certain circumstances; 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

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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 annually mail a certain verification form; repealing the requirement that a local law enforcement unit mail a certain verification form every 90 days; 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 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; altering for a second or subsequent conviction 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, child care homes, day 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 for extended sexual offender parole supervision; 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 that the Commission enter into and sign certain extended sexual offender parole supervision agreements that set out certain conditions; 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 of 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; providing that the Commission has certain powers for the purpose of carrying out certain duties; requiring the Commission to appoint a certain administrator; requiring that a sexual 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 comprised of a certain parole agent and a sexual offender treatment provider; 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; requiring the Commission, with the advice of a certain board, to adopt certain regulations; establishing a Sexual Offender Advisory Board; providing for the membership, appointment, terms, staggering of terms, reimbursements, chair, quorum and meeting requirements, duties, and staffing of the Board; requiring certain units of government to cooperate with the Board; defining certain terms; specifying the terms of the initial members of the Board; requiring the State Board of Education to adopt regulations that prohibit a county board of education from contracting for certain services with certain individuals who are required to register as certain offenders or who employ individuals to provide certain services who are required to register as certain offenders”.

On page 3, in line 23, strike “and 7-401(d)””; in line 28, strike “and 3-309 through 3-312””; and strike in their entirety lines 31 through 40, inclusive.

On page 4, in line 3, strike “11-704,””; in the same line, strike “11-713,””; and after line 16, insert:

“BY adding to

Article - Education

Section 6-113.1

Annotated Code of Maryland

(2004 Replacement Volume and 2005 Supplement)”.

AMENDMENT NO. 3

On pages 4 through 34, strike in their entirety the lines beginning with line 25 on page 4 through line 9 on page 34, inclusive.

On page 34, before line 10, insert:

“Article - Correctional Services

(Over)

7-205.

(a) The Commission has the exclusive power to:

(1) authorize the parole of an individual sentenced under the laws of the State to any correctional facility in the State;

(2) negotiate, enter into, and sign predetermined parole release agreements as provided under subsection (b) of this section;

(3) hear cases for parole in which:

(i) the Commissioner of Correction, after reviewing the recommendation of the appropriate managing official, objects to a parole;

(ii) the inmate was convicted of a homicide;

(iii) the inmate is serving a sentence of life imprisonment; or

(iv) the parole hearing is open to the public under § 7-304 of this title;

(4) hear exceptions to recommendations of a hearing examiner or a commissioner acting as a hearing examiner;

(5) review summarily all recommendations of a hearing examiner or a commissioner acting as a hearing examiner to which an exception has not been filed;

(6) hear a case for parole in absentia when an individual who was sentenced in this State to serve a term of imprisonment is in a correctional facility of a jurisdiction other than this State;

(7) hear cases of parole revocation; and

(8) if delegated by the Governor, hear cases involving an alleged violation of a

conditional pardon.

(b) (1) (i) The Commission may negotiate, enter into, and sign a predetermined parole release agreement with the Commissioner of Correction and an inmate under the jurisdiction of the Commission.

(ii) The agreement may provide for the release of the inmate on parole at a predetermined time if, during the inmate's term of confinement, the inmate participates in the programs designated by the Commission and fulfills any other conditions specified in the agreement.

(2) This subsection does not affect any diminution of an inmate's term of confinement awarded under Title 3, Subtitle 7 and §§ 9-506 and 9-513 of this article.

(c) Each commissioner has visitorial powers over any correctional facility in which an individual is confined on a criminal charge, whether the correctional facility is operated by the State or by a county or municipal corporation of the State.

(d) As necessary to carry out its duties, the Commission may:

(1) issue subpoenas requiring the attendance and testimony of witnesses;

(2) administer oaths; and

(3) examine witnesses under oath, including any inmate who is confined in a correctional facility operated by the State or by a county or municipal corporation of the State.

(e) (1) A person who is personally served with a subpoena and who fails to appear or refuses to testify before the Commission is guilty of a misdemeanor and on conviction is subject to a fine of not more than \$100.

(2) The fine imposed under paragraph (1) of this subsection shall be paid into the General Fund of the State.

(f) A witness who makes a false statement relating to a matter that is material to the

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Commission's inquiry while testifying before the Commission is guilty of perjury and on conviction is subject to the penalty of § 9-101 of the Criminal Law Article.

7-206.

The Commission shall:

(1) evaluate information on the activities of parolees that the Division of Parole and Probation reports;

(2) issue warrants or delegate to the Director of the Division of Parole and Probation the authority to issue warrants to retake parolees who are charged with violating a condition of parole;

(3) review and make recommendations to the Governor:

and
(i) concerning parole of an inmate under a sentence of life imprisonment;

(ii) if requested by the Governor, concerning a pardon, commutation of sentence, or other clemency;

(4) establish and modify general policy governing the conduct of parolees; [and]

(5) arrange for psychiatric or psychological examination of applicants for parole whenever the Commission believes that an examination will better enable it to decide on the advisability of parole and include the expense for the examination in its annual budget; AND

(6) ADMINISTER EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE.

Article - Criminal Law

3-303.

(a) A person may not:

(1) engage in vaginal intercourse with another by force, or the threat of force, without the consent of the other; and

(2) (i) employ or display a dangerous weapon, or a physical object that the victim reasonably believes is a dangerous weapon;

(ii) suffocate, strangle, disfigure, or inflict serious physical injury on the victim or another in the course of committing the crime;

(iii) threaten, or place the victim in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping;

(iv) commit the crime while aided and abetted by another; or

(v) commit the crime in connection with a burglary in the first, second, or third degree.

(b) A person may not violate subsection (a) of this section while also violating § 3-503(a)(2) of this title involving a victim who is a child under the age of 16 years.

(C) A PERSON 18 YEARS OF AGE OR OLDER MAY NOT VIOLATE SUBSECTION (A) OF THIS SECTION INVOLVING A VICTIM WHO IS A CHILD UNDER THE AGE OF 13 YEARS.

[(c)] (D) (1) Except as provided in paragraphs (2) [and], (3), AND (4) of this subsection, a person who violates subsection (a) of this section is guilty of the felony of rape in the first degree and on conviction is subject to imprisonment not exceeding life.

(2) A person who violates subsection (b) of this section is guilty of the felony of rape in the first degree and on conviction is subject to imprisonment not exceeding life without the possibility of parole.

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(3) A person who violates this section is guilty of the felony of rape in the first degree and on conviction is subject to imprisonment not exceeding life without the possibility of parole if the defendant was previously convicted of violating this section or § 3-305 of this subtitle.

(4) (I) A PERSON 18 YEARS OF AGE OR OLDER WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS GUILTY OF THE FELONY OF RAPE IN THE FIRST DEGREE AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 25 YEARS AND NOT EXCEEDING LIFE WITHOUT THE POSSIBILITY OF PAROLE.

(II) A COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY MINIMUM SENTENCE OF 25 YEARS.

[(d)] (E) If the State intends to seek a sentence of imprisonment for life without the possibility of parole under subsection [(c)(2) or (3)] (D)(2), (3), OR (4) of this section, OR IMPRISONMENT FOR NOT LESS THAN 25 YEARS UNDER SUBSECTION (D)(4) OF THIS SECTION, the State shall notify the person in writing of the State's intention at least 30 days before trial.

3-304.

(a) A person may not engage in vaginal intercourse with another:

(1) by force, or the threat of force, without the consent of the other;

(2) if the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the act knows or reasonably should know that the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual; or

(3) if the victim is under the age of 14 years, and the person performing the act is at least 4 years older than the victim.

(B) A PERSON 18 YEARS OF AGE OR OLDER MAY NOT VIOLATE SUBSECTION (A)(1) OR (2) OF THIS SECTION INVOLVING A CHILD UNDER THE AGE OF 13 YEARS.

[(b)](C)(1) [A]EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A person who violates SUBSECTION (A) OF this section is guilty of the felony of rape in the second degree and on conviction is subject to imprisonment not exceeding 20 years.

(2) (I) A PERSON 18 YEARS OF AGE OR OLDER WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF THE FELONY OF RAPE IN THE SECOND DEGREE AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 5 YEARS AND NOT EXCEEDING 20 YEARS.

(II) A COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY MINIMUM SENTENCE OF 5 YEARS.

3-305.

(a) A person may not:

(1) engage in a sexual act with another by force, or the threat of force, without the consent of the other; and

(2) (i) employ or display a dangerous weapon, or a physical object that the victim reasonably believes is a dangerous weapon;

(ii) suffocate, strangle, disfigure, or inflict serious physical injury on the victim or another in the course of committing the crime;

(iii) threaten, or place the victim in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping;

(iv) commit the crime while aided and abetted by another; or

(v) commit the crime in connection with a burglary in the first, second, or

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third degree.

(b) A person may not violate subsection (a) of this section while also violating § 3-503(a)(2) of this title involving a victim who is a child under the age of 16 years.

(C) A PERSON 18 YEARS OF AGE OR OLDER MAY NOT VIOLATE SUBSECTION (A) OF THIS SECTION INVOLVING A VICTIM WHO IS A CHILD UNDER THE AGE OF 13 YEARS.

[(c)] (D) (1) Except as provided in paragraphs (2) [and], (3), AND (4) of this subsection, a person who violates subsection (a) of this section is guilty of the felony of sexual offense in the first degree and on conviction is subject to imprisonment not exceeding life.

(2) A person who violates subsection (b) of this section is guilty of the felony of sexual offense in the first degree and on conviction is subject to imprisonment not exceeding life without the possibility of parole.

(3) A person who violates this section is guilty of the felony of sexual offense in the first degree and on conviction is subject to imprisonment not exceeding life without the possibility of parole if the defendant was previously convicted of violating this section or § 3-303 of this subtitle.

(4) (I) A PERSON 18 YEARS OF AGE OR OLDER WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS GUILTY OF THE FELONY OF SEXUAL OFFENSE IN THE FIRST DEGREE AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 25 YEARS AND NOT EXCEEDING LIFE WITHOUT THE POSSIBILITY OF PAROLE.

(II) A COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY MINIMUM SENTENCE OF 25 YEARS.

[(d)] (E) If the State intends to seek a sentence of imprisonment for life without the possibility of parole under subsection [(c)(2) or (3)] (D)(2), (3), OR (4) of this section, OR IMPRISONMENT FOR NOT LESS THAN 25 YEARS UNDER SUBSECTION (D)(4) OF THIS SECTION, the State shall notify the person in writing of the State's intention at least 30 days before trial.

3-306.

(a) A person may not engage in a sexual act with another:

(1) by force, or the threat of force, without the consent of the other;

(2) if the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the sexual act knows or reasonably should know that the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual; or

(3) if the victim is under the age of 14 years, and the person performing the sexual act is at least 4 years older than the victim.

(B) A PERSON 18 YEARS OF AGE OR OLDER MAY NOT VIOLATE SUBSECTION (A)(1) OR (2) OF THIS SECTION INVOLVING A CHILD UNDER THE AGE OF 13 YEARS.

[(b)] (C) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A person who violates this section is guilty of the felony of sexual offense in the second degree and on conviction is subject to imprisonment not exceeding 20 years.

(2) (I) A PERSON 18 YEARS OF AGE OR OLDER WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF THE FELONY OF SEXUAL OFFENSE IN THE SECOND DEGREE AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 5 YEARS AND NOT EXCEEDING 20 YEARS.

(II) A COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY MINIMUM SENTENCE OF 5 YEARS.

Article - Criminal Procedure

10-215.

(Over)

(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;
- (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.

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(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 of the Criminal Law Article for a crime involving a child under the age of 15 years;

(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.

(B-3) “EXTENDED PAROLE SUPERVISION OFFENDER” MEANS A PERSON WHO:

(1) IS A SEXUALLY VIOLENT PREDATOR;

(2) HAS BEEN CONVICTED OF A VIOLATION OF § 3-303, § 3-304, § 3-305, § 3-306(A)(1) OR (2), OR § 3-307(A)(1) OR (2) OF THE CRIMINAL LAW ARTICLE;

(3) HAS BEEN CONVICTED OF A VIOLATION OF § 3-309, § 3-310, OR § 3-311 OF THE CRIMINAL LAW ARTICLE OR AN ATTEMPT TO COMMIT A VIOLATION OF §

3-306(A)(1) OR (2) OF THE CRIMINAL LAW ARTICLE;

(4) 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

(5) HAS BEEN CONVICTED MORE THAN ONCE OF A CRIME AS A CHILD SEXUAL OFFENDER, AN OFFENDER, OR A SEXUALLY VIOLENT OFFENDER.

(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;

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(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 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.

11-705.

(a) In this section, “resident” means a person who lives in this State when the person:

(1) is released;

(2) is granted probation;

(3) is granted a suspended sentence; or

(4) receives a sentence that does not include a term of imprisonment.

(b) A registrant shall register with the supervising authority:

(1) if the registrant is a resident, on or before the date that the registrant:

(i) is released;

(ii) is granted probation before judgment;

(iii) is granted probation after judgment;

(iv) is granted a suspended sentence; or

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(v) receives a sentence that does not include a term of imprisonment;
(2) if the registrant moves into the State, within 7 days after the earlier of the date that the registrant:

(i) establishes a temporary or permanent residence in the State; or

(ii) applies for a driver's license in the State; or

(3) if the registrant is not a resident, within 14 days after the registrant:

(i) begins employment in the State;

(ii) registers as a student in the State; or

(iii) enters the State as a transient.

(c) (1) A child sexual offender shall also register in person with the local law enforcement unit of the county where the child sexual offender will reside:

(i) within 7 days after release, if the child sexual offender is a resident; or

(ii) within 7 days after registering with the supervising authority, if the registrant is moving into this State.

(2) Within 7 days after registering with the supervising authority, a child sexual offender who is not a resident and has entered the State under § 11-704(a)(7) of this subtitle shall also register in person with the local law enforcement unit of the county where the child sexual offender is a transient or will work or attend school.

(3) A child sexual offender may be required to give to the local law enforcement unit more information than required under § 11-706 of this subtitle.

(d) A registrant who changes residences shall send written notice of the change to the [Department] STATE REGISTRY within [7] 5 days after the change occurs.

(e) (1) A registrant who commences or terminates enrollment as a full-time or part-time student at an institution of higher education in the State shall send written notice to the [Department] STATE REGISTRY within [7] 5 days after the commencement or termination of enrollment.

(2) A registrant who commences or terminates carrying on employment at an institution of higher education in the State shall send written notice to the [Department] STATE REGISTRY within [7] 5 days after the commencement or termination of employment.

(f) A registrant who is granted a legal change of name by a court shall send written notice of the change to the [Department] STATE REGISTRY within [7] 5 days after the change is granted.

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] A LOCAL LAW ENFORCEMENT UNIT [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, on or before January 1, April 1, July 1, and October 1,] 3 MONTHS [in accordance with § 11-711(b) of this subtitle and] for the term provided under paragraph (4)(ii) of this subsection.

(Over)

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

(4) The term of registration is:

(i) 10 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.

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, THE 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.

(3) THIS SUBSECTION DOES NOT APPLY IF THE REGISTRANT IS REQUIRED TO REGISTER UNDER § 11-704 OF THIS SUBTITLE SOLELY AS A RESULT OF A MISDEMEANOR CONVICTION.

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 [annual] OR SEXUALLY VIOLENT PREDATOR'S QUARTERLY 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 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

(Over)

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 WITHIN 1 MILE OF 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 5 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 WILL WORK OR ATTEND SCHOOL.

(E) AS SOON AS POSSIBLE BUT NOT LATER THAN 5 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

WHICH THE CHILD SEXUAL OFFENDER IS TO RESIDE OR WHERE A CHILD SEXUAL OFFENDER WHO IS NOT A RESIDENT OF THE STATE 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 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

(Over)

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.]

11-717.

(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 DETAILS THAT WOULD IDENTIFY THE VICTIM.

(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 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 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, 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 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) APPROPRIATE NOTIFICATION PROCEDURES INCLUDE THOSE IDENTIFIED IN § 11-709 OF THIS SUBTITLE.

(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

(Over)

of a material fact as required by this subtitle.

(b) A person who violates this section:

(1) FOR A FIRST OFFENSE, is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both; AND

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$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) WHERE THE REGISTRANT IS A STUDENT OR THE 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 ONTO 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.

11-723.

(A) EXCEPT WHERE A TERM OF NATURAL LIFE WITHOUT THE POSSIBILITY OF PAROLE IS IMPOSED, A SENTENCE FOR AN EXTENDED PAROLE SUPERVISION OFFENDER SHALL INCLUDE A TERM OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION.

(B) 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.

(Over)

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;

(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.

(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 SHALL COMMENCE UPON RELEASE OF THE EXTENDED PAROLE SUPERVISION OFFENDER FROM INCARCERATION OR IMPOSITION OF PROBATION ON THE EXTENDED PAROLE SUPERVISION OFFENDER AND 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 PLACES PRIMARILY USED BY MINORS;

(3) RESTRICTING A REGISTRANT FROM OBTAINING EMPLOYMENT OR FROM PARTICIPATING IN AN 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 ALCOHOL;

(6) AUTHORIZING PAROLE AGENTS TO ACCESS THE PERSONAL COMPUTER OF A REGISTRANT TO CHECK FOR MATERIAL RELATING TO SEXUAL RELATIONS WITH MINORS; AND

(7) REQUIRING A REGISTRANT TO TAKE REGULAR POLYGRAPH EXAMINATIONS.

(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 REGARDING THE DISCHARGE OF THE REGISTRANT FROM THE SEXUAL OFFENDER MANAGEMENT TEAM.

(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 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.

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 AGENT; AND

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

(2) MAY INCLUDE:

(I) VICTIM ADVOCATES;

(II) FAITH COUNSELORS;

(III) EMPLOYMENT COUNSELORS;

(IV) COMMUNITY LEADERS; AND

(V) A POLYGRAPHER.

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

(2) UNLESS DISCLOSURE OF A REPORT WOULD BE IN VIOLATION OF LAWS REGARDING CONFIDENTIALITY OF TREATMENT RECORDS, 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 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 - Education

6-113.1.

THE STATE BOARD SHALL ADOPT REGULATIONS THAT PROHIBIT A COUNTY BOARD FROM CONTRACTING TO REPAIR, MAINTAIN, IMPROVE, OR BUILD SCHOOL PROPERTY WITH A PERSON WHO IS REQUIRED TO REGISTER AS A CHILD SEXUAL OFFENDER OR AN EXTENDED PAROLE SUPERVISION OFFENDER UNDER § 11-704 OF THE CRIMINAL PROCEDURE ARTICLE OR WHO EMPLOYS INDIVIDUALS TO REPAIR,

(Over)

MAINTAIN, IMPROVE, OR BUILD SCHOOL PROPERTY WHO ARE REQUIRED TO REGISTER AS CHILD SEXUAL OFFENDERS OR EXTENDED PAROLE SUPERVISION OFFENDERS UNDER § 11-704 OF THE CRIMINAL PROCEDURE ARTICLE.

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

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

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

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

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

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

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

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

(III) A STATE'S ATTORNEY;

(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 _____ (S.B. 4) 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 MEMBERS CONSTITUTES A QUORUM.

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

(3) THE BOARD SHALL MEET AT LEAST TWICE 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;

(6) DEVELOP STANDARDS FOR SEXUAL OFFENDER TREATMENT BASED ON CURRENT AND EVOLVING BEST PRACTICES;

(7) CERTIFY STATE SEXUAL OFFENDER TREATMENT PROGRAMS THAT ARE IN COMPLIANCE WITH THE BOARD'S STANDARDS; AND

(8) PROVIDE TRAINING FOR SEXUAL OFFENDER MANAGEMENT TEAMS.

(H) ON OR BEFORE DECEMBER 31, 2009, 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.

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

(J) 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 2009;

(Over)

- (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 2010."

On page 34, in line 10, strike "5." and substitute "3.".