

UNOFFICIAL COPY OF HOUSE BILL 2
EMERGENCY BILL

E2

(6lr0041)

ENROLLED BILL
-- Judiciary/Judicial Proceedings --

Introduced by **The Speaker (By Request - Administration) 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, Maver,
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
Zirkin, Costa, Franchot, and Ramirez

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 Sexual Offenders - Supervision, Notifications, and Penalties

1 FOR the purpose of requiring the Maryland Parole Commission to administer certain
2 extended sexual offender parole supervision; prohibiting certain inmates from
3 receiving credit for time between certain releases and certain revocation of
4 release; prohibiting certain sexual acts by certain persons involving children
5 who are under a certain age; requiring a court to impose a certain sentence for
6 certain offenses under certain circumstances; establishing certain penalties;
7 providing that the jurisdiction of the District Court is concurrent with the
8 jurisdiction of the circuit court in certain criminal cases involving registration of
9 certain offenders; establishing that the initial registration of an individual
10 relating to certain sexual offenses and offenses involving children is a reportable
11 offense for certain criminal records purposes; requiring local law enforcement
12 units to register certain offenders; altering the responsibilities of supervising
13 authorities; establishing that all persons subject to certain registration
14 requirements must register in person; altering the time periods relating to
15 registration; requiring that certain registrations include a photograph that shall
16 be updated at least once each year; repealing certain dates before which certain
17 registrants are required to register; increasing the term of registration of certain
18 registrants; requiring a certain supervising authority to obtain a DNA sample
19 from a certain registrant under certain circumstances; altering certain time
20 periods for certain notification requirements; requiring a local law enforcement
21 unit to provide a certain notice to a certain county superintendent and certain
22 nonpublic schools of a change of address of a certain sexual offender within a
23 certain time period; requiring a local law enforcement unit to provide a certain
24 notice to a certain police department of a certain change of address of a certain
25 sexual offender within a certain time period; requiring a certain police
26 department to provide a certain notice to a certain commander of a local police
27 precinct or district within a certain time period; requiring a local law
28 enforcement unit to send a copy of a certain notice to a certain commander of a
29 local police precinct or district within a certain time period; authorizing a local
30 law enforcement unit to send a certain notice to certain organizations that serve
31 children and other individuals vulnerable to certain offenders; requiring certain
32 registration statements to include a certain description of the crime that is the
33 basis for the registration of a certain offender; requiring the Department of
34 Public Safety and Correctional Services, through a certain Internet posting of
35 current registrants, to allow the public to electronically transmit certain
36 information to the Department, to certain parole and probation agents, and to
37 local law enforcement; requiring the Department to allow certain members of
38 the public, by request, to receive electronic mail notification of the release and
39 registration information of certain offenders; authorizing the Department or a
40 local law enforcement unit to provide certain information to a certain person
41 under certain circumstances; requiring the Department to adopt certain
42 regulations; altering the classification of the crime from a misdemeanor to a
43 felony and increasing the maximum penalties for a person convicted of
44 knowingly failing to register as an offender for certain crimes, knowingly failing
45 to provide a certain written notice to the Department, and knowingly providing
46 false information of a material fact on a certain registration statement;
47 prohibiting certain registrants from entering the real property of certain
48 schools, day care homes, child care homes, or child care institutions under

1 certain circumstances; establishing certain penalties; requiring a sentence for a
2 certain category of sexual offender to include a term of extended sexual offender
3 parole supervision; creating certain exceptions; giving a certain judge discretion
4 to impose a term of extended sexual offender parole supervision for a certain
5 category of sexual offender; requiring that a term of extended sexual offender
6 parole supervision have a certain minimum and a possible certain maximum
7 period and commence at the expiration of a certain term; requiring a judge to
8 state on the record at a certain time that a certain defendant's sentence shall
9 include a term of extended sexual offender parole supervision; requiring that the
10 Commission establish and administer certain extended sexual offender parole
11 supervision that sets out certain conditions and is based upon a certain risk
12 assessment and classification; requiring the Commission to hear and adjudicate
13 certain cases; authorizing the Commission to impose certain sanctions on
14 certain registrants; providing that imprisonment for a certain violation is not
15 subject to diminution credits; authorizing certain specific conditions of extended
16 sexual offender parole supervision agreements; requiring the Commission to
17 hear and adjudicate a certain petition for discharge from extended sexual
18 offender parole supervision; authorizing a certain registrant to petition for
19 discharge after serving a certain period of extended supervision; authorizing a
20 registrant whose petition for discharge is denied to petition for discharge again
21 after a certain period; requiring a certain petition for discharge to include a
22 certain risk assessment of a registrant and a recommendation from a certain
23 sexual offender management team; prohibiting the Commission from
24 discharging a registrant from certain supervision unless the Commission
25 determines that the registrant no longer poses an unacceptable risk to
26 community safety; requiring the Commission to, by regulation, establish certain
27 notice and hearing procedures; providing that the Commission has certain
28 powers for the purpose of carrying out certain duties; requiring the Commission
29 to appoint a certain administrator; providing that participation in a certain
30 treatment program shall not prohibit a convicted individual from continuing to
31 maintain a certain innocence; requiring that a sexual offender parole
32 supervision be conducted by a sexual offender management team under the
33 supervision of the Division of Parole and Probation; requiring a sexual offender
34 management team to be composed of a certain parole and probation agent,
35 sexual offender treatment provider, and law enforcement representative;
36 authorizing a sexual offender management team to include certain other
37 persons; requiring a sexual offender management team to submit certain
38 progress reports on certain registrants at certain intervals; requiring a sexual
39 offender management team to provide a copy of a certain progress report to a
40 certain local law enforcement unit; establishing a Sexual Offender Advisory
41 Board; providing for the membership, appointment, terms, staggering of terms,
42 reimbursements, chair, quorum and meeting requirements, duties, and staffing
43 of the Board; requiring certain units of government to cooperate with the Board;
44 requiring the Commission, with the advice of the Board, to adopt certain
45 regulations; defining certain terms; altering certain definitions; specifying the
46 terms of the initial members of the Board; making this Act an emergency
47 measure; and generally relating to the supervision of, notifications concerning,
48 and penalties for sexual offenders.

- 1 ~~BY repealing and reenacting, without amendments,~~
- 2 ~~Article—Correctional Services~~
- 3 ~~Section 7-205~~
- 4 ~~Annotated Code of Maryland~~
- 5 ~~(1999 Volume and 2005 Supplement)~~

- 6 ~~BY repealing and reenacting, with amendments,~~
- 7 ~~Article—Correctional Services~~
- 8 ~~Section 7-206 and 7-401(d)~~
- 9 ~~Annotated Code of Maryland~~
- 10 ~~(1999 Volume and 2005 Supplement)~~

- 11 ~~BY repealing and reenacting, with amendments,~~
- 12 ~~Article—Criminal Law~~
- 13 ~~Section 3-303 through 3-306 and 3-309 through 3-312~~
- 14 ~~Annotated Code of Maryland~~
- 15 ~~(2002 Volume and 2005 Supplement)~~

- 16 ~~BY repealing and reenacting, with amendments,~~
- 17 ~~Article—Courts and Judicial Proceedings~~
- 18 ~~Section 4-301(b)(21) and (22) and 4-302(a) and (d)(1)~~
- 19 ~~Annotated Code of Maryland~~
- 20 ~~(2002 Replacement Volume and 2005 Supplement)~~

- 21 ~~BY adding to~~
- 22 ~~Article—Courts and Judicial Proceedings~~
- 23 ~~Section 4-301(b)(23)~~
- 24 ~~Annotated Code of Maryland~~
- 25 ~~(2002 Replacement Volume and 2005 Supplement)~~

- 26 ~~BY repealing and reenacting, with amendments,~~
- 27 ~~Article—Criminal Procedure~~
- 28 ~~Section 10-215(a), 11-701, 11-704, 11-705, 11-707, 11-708(b), 11-709, 11-713,~~
- 29 ~~11-717, 11-718, and 11-721~~
- 30 ~~Annotated Code of Maryland~~
- 31 ~~(2001 Volume and 2005 Supplement)~~

- 32 ~~BY repealing~~
- 33 ~~Article—Criminal Procedure~~
- 34 ~~Section 11-711~~
- 35 ~~Annotated Code of Maryland~~
- 36 ~~(2001 Volume and 2005 Supplement)~~

1 ~~BY adding to~~

2 ~~Article—Criminal Procedure~~

3 ~~Section 11-722 through 11-726~~

4 ~~Annotated Code of Maryland~~

5 ~~(2001 Volume and 2005 Supplement)~~

6 ~~BY adding to~~

7 ~~Article—Public Safety~~

8 ~~Section 1-401 to be under the new subtitle "Subtitle 4. Sexual Offender Advisory~~

9 ~~Board"~~

10 ~~Annotated Code of Maryland~~

11 ~~(2003 Volume and 2005 Supplement)~~

12 ~~FOR the purpose of authorizing the Maryland Parole Commission to administer~~

13 ~~certain extended sexual offender parole supervision; prohibiting certain sexual~~

14 ~~acts involving children who are under a certain age; requiring a court to impose~~

15 ~~a certain sentence for certain offenses under certain circumstances; establishing~~

16 ~~certain penalties; requiring the State to provide certain notice under certain~~

17 ~~circumstances; providing that certain sentences shall not apply under certain~~

18 ~~circumstances; prohibiting the Commission from granting credit for time~~

19 ~~between release on parole and revocation of parole for certain sexual offenders~~

20 ~~under certain circumstances; providing that the jurisdiction of the District~~

21 ~~Court is concurrent with the jurisdiction of the circuit court in certain criminal~~

22 ~~cases involving registration of certain offenders; establishing that the initial~~

23 ~~registration of an individual relating to certain sexual offenses and offenses~~

24 ~~involving children is a reportable offense for certain criminal records purposes;~~

25 ~~establishing that all persons subject to certain registration requirements must~~

26 ~~register in person every 3 months; requiring that certain registrations include a~~

27 ~~photograph that shall be updated at least once each year; repealing certain~~

28 ~~dates before which certain registrants are required to register; increasing the~~

29 ~~term of registration of certain registrants; requiring a certain supervising~~

30 ~~authority to obtain a DNA sample from a certain registrant under certain~~

31 ~~circumstances; altering certain time periods for certain notification~~

32 ~~requirements; requiring a local law enforcement unit to provide a certain notice~~

33 ~~to a certain county superintendent and certain nonpublic schools of a change of~~

34 ~~address of a certain sexual offender within a certain time period; requiring a~~

35 ~~local law enforcement unit to provide a certain notice to a certain police~~

36 ~~department of a certain change of address of a certain sexual offender within a~~

37 ~~certain time period; requiring a certain police department to provide a certain~~

38 ~~notice to a certain commander of a local police precinct or district within a~~

39 ~~certain time period; requiring a local law enforcement unit to send a copy of a~~

40 ~~certain notice to a certain commander of a local police precinct or district within~~

41 ~~a certain time period; authorizing a local law enforcement unit to send a certain~~

42 ~~notice to certain organizations that serve children and other individuals~~

43 ~~vulnerable to certain offenders; repealing the requirement that the Department~~

44 ~~of Public Safety and Correctional Services annually mail a certain verification~~

45 ~~form; repealing the requirement that a local law enforcement unit mail a certain~~

1 verification form every 90 days; requiring the Department to reimburse a local
2 law enforcement unit for the costs of certain community notification; requiring
3 certain registration statements to include a certain description of the crime that
4 is the basis for the registration of a certain offender; requiring the Department,
5 through a certain Internet posting of current registrants, to allow the public to
6 electronically transmit certain information to the Department, to certain parole
7 and probation agents, and to local law enforcement units; requiring the
8 Department to allow certain members of the public, by request, to receive
9 electronic mail notification of the release and registration information of certain
10 offenders; authorizing the Department or a local law enforcement unit to
11 provide certain information to a certain person under certain circumstances;
12 requiring the Department to adopt certain regulations; altering the
13 classification of the crime from a misdemeanor to a felony and increasing the
14 maximum penalties for a person convicted of knowingly failing to register as an
15 offender for certain crimes, knowingly failing to provide a certain written notice
16 to the Department, and knowingly providing false information of a material fact
17 on a certain registration statement; prohibiting certain registrants from
18 entering the real property of certain schools, day care homes, child care homes,
19 or child care institutions under certain circumstances; establishing certain
20 penalties; requiring a sentence for a certain category of sexual offender to
21 include a term of extended sexual offender parole supervision; creating certain
22 exceptions; giving a certain judge discretion to impose a term of extended sexual
23 offender parole supervision for a certain category of sexual offender; requiring
24 that a term of extended sexual offender parole supervision have a certain
25 minimum and a possible certain maximum period and commence at the
26 expiration of a certain term; requiring a judge to state on the record at a certain
27 time that a certain defendant's sentence shall include a term of extended sexual
28 offender parole supervision; requiring that the Commission enter into and sign
29 certain extended sexual offender parole supervision agreements that set out
30 certain conditions and are based on a certain risk assessment and classification;
31 requiring the Commission to hear and adjudicate certain cases; authorizing the
32 Commission to impose certain sanctions on certain registrants; providing that
33 imprisonment for a certain violation is not subject to diminution credits;
34 authorizing certain specific conditions of extended sexual offender parole
35 supervision agreements; requiring the Commission to hear and adjudicate a
36 certain petition for discharge from extended sexual offender parole supervision;
37 authorizing a certain registrant to petition for discharge after serving a certain
38 period of extended supervision; authorizing a registrant whose petition for
39 discharge is denied to petition for discharge again after a certain period;
40 requiring a certain petition for discharge to include a certain risk assessment of
41 a registrant and a recommendation from a certain sexual offender management
42 team; prohibiting the Commission from discharging a registrant from certain
43 supervision unless the Commission determines that the registrant no longer
44 poses an unacceptable risk to community safety; requiring the Commission to,
45 by regulation, establish certain notice and hearing procedures; providing that
46 the Commission has certain powers for the purpose of carrying out certain
47 duties; requiring the Commission to appoint a certain administrator; providing
48 that participation in a certain treatment program shall not prohibit a convicted

~~1 individual from continuing to maintain a certain innocence; requiring that a
2 sexual offender parole supervision be conducted by a sexual offender
3 management team under the supervision of the Division of Parole and
4 Probation; requiring a sexual offender management team to be composed of a
5 certain parole and probation agent, sexual offender treatment provider, and law
6 enforcement representative; authorizing a sexual offender management team to
7 include certain other persons; requiring a sexual offender management team to
8 submit certain progress reports on certain registrants at certain intervals;
9 requiring a sexual offender management team to provide a copy of a certain
10 progress report to a certain local law enforcement unit; establishing a Sexual
11 Offender Advisory Board; providing for the membership, appointment, terms,
12 staggering of terms, reimbursements, chairman, quorum and meeting
13 requirements, duties, and staffing of the Board; requiring certain units of
14 government to cooperate with the Board; requiring the Commission, with the
15 advice of the Board, to adopt certain regulations; defining certain terms;
16 altering certain definitions; specifying the terms of the initial members of the
17 Board; making this Act an emergency measure; and generally relating to the
18 supervision of, notification concerning, and penalties for sexual offenders.~~

~~19 BY repealing and reenacting, without amendments,
20 Article—Correctional Services
21 Section 7-205
22 Annotated Code of Maryland
23 (1999 Volume and 2005 Supplement)~~

~~24 BY repealing and reenacting, with amendments,
25 Article—Correctional Services
26 Section 7-206 and 7-401(d)
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31 Section 4-301(b)(21) and (22) and 4-302(a) and (d)(1)
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35 Article—Courts and Judicial Proceedings
36 Section 4-301(b)(23)
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1 Section 3-303 through 3-306 and 3-309 through 3-312
2 Annotated Code of Maryland
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4 BY repealing and reenacting, with amendments,
5 Article Criminal Procedure
6 Section 10-215(a), 11-701, 11-707, 11-708(b), 11-709, 11-713, 11-717, 11-718,
7 and 11-721
8 Annotated Code of Maryland
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10 BY repealing
11 Article Criminal Procedure
12 Section 11-711
13 Annotated Code of Maryland
14 (2001 Volume and 2005 Supplement)

15 BY adding to
16 Article Criminal Procedure
17 Section 11-722 through 11-726
18 Annotated Code of Maryland
19 (2001 Volume and 2005 Supplement)

20 BY adding to
21 Article Public Safety
22 Section 1-401 to be under the new subtitle "Subtitle 4. Sexual Offender
23 Advisory Board"
24 Annotated Code of Maryland
25 (2003 Volume and 2005 Supplement)

26 FOR the purpose of authorizing the Maryland Parole Commission to administer
27 certain extended sexual offender parole supervision; prohibiting certain sexual
28 acts by certain individuals involving children who are under a certain age;
29 requiring a court to impose a certain sentence for certain offenses under certain
30 circumstances; establishing certain penalties; requiring the State to notify a
31 certain person of the State's intention to seek a certain sentence within a certain
32 time period under certain circumstances; providing that certain sentences shall
33 not apply under certain circumstances; establishing that the initial registration
34 of an individual relating to certain sexual offenses is a reportable offense for
35 certain criminal records purposes; requiring a certain notice by a certain person
36 to be sent to a certain registry; altering certain time periods for certain
37 notification requirements; establishing that all persons subject to certain
38 registration requirements must register in person every 6 months; requiring that
39 certain registrations include a photograph that shall be updated at least once
40 each year; repealing certain dates before which certain registrants are required to

1 register; requiring a certain supervising authority to obtain a DNA sample from
2 a certain registrant under certain circumstances; requiring a local law
3 enforcement unit to provide a certain notice to a certain county superintendent
4 and certain nonpublic schools of a change of address of a certain sexual offender
5 within a certain time period; requiring a local law enforcement unit to provide a
6 certain notice to a certain police department of a certain change of address of a
7 certain sexual offender within a certain time period; requiring a certain police
8 department to provide a certain notice to a certain commander of a local police
9 precinct or district within a certain time period; requiring a local law
10 enforcement unit to send a copy of a certain notice to a certain commander of a
11 local police precinct or district within a certain time period; authorizing a local
12 law enforcement unit to send a certain notice to certain organizations that serve
13 children and other individuals vulnerable to certain offenders; repealing the
14 requirement that the Department annually mail a certain verification form;
15 repealing the requirement that a local law enforcement unit mail a certain
16 verification form every 90 days; requiring the Department to reimburse local law
17 enforcement units instead of supervising authorities for certain costs relating to
18 processing and registration; requiring the Department to reimburse a local law
19 enforcement unit for the costs of certain community notification; requiring
20 certain registration statements to include a certain description of the crime that
21 is the basis for the registration of a certain offender; requiring the Department,
22 through a certain Internet posting of current registrants, to allow the public to
23 electronically transmit certain information to the Department, to certain parole
24 agents, and to local law enforcement units; requiring the Department to allow
25 certain members of the public, by request, to receive electronic mail notification of
26 the release and registration information of certain offenders; authorizing the
27 Department or a local law enforcement unit to provide certain information to a
28 certain person under certain circumstances; altering for a second or subsequent
29 conviction the classification of the crime from a misdemeanor to a felony and
30 increasing the maximum penalties for a person convicted of knowingly failing to
31 register as an offender for certain crimes, knowingly failing to provide a certain
32 written notice to the Department, and knowingly providing false information of a
33 material fact on a certain registration statement; prohibiting certain registrants
34 from entering the real property of certain schools, child care homes, day care
35 homes, or child care institutions under certain circumstances; prohibiting a
36 person who enters into a contract with a County Board of Education or a
37 nonpublic school from employing certain individuals; establishing certain
38 penalties; requiring a sentence for a certain category of sexual offender to include
39 a term for extended sexual offender parole supervision; requiring that a term of
40 extended sexual offender parole supervision have a certain minimum and a
41 possible certain maximum period and commence at the expiration of a certain
42 term; requiring that the Commission enter into and sign certain extended sexual
43 offender parole supervision agreements that set out certain conditions; requiring
44 the Commission to hear and adjudicate certain cases; authorizing the
45 Commission to impose certain sanctions on certain registrants; providing that
46 imprisonment for a certain violation is not subject to diminution credits;
47 authorizing certain specific conditions of extended sexual offender parole
48 supervision agreements; requiring the Commission to hear and adjudicate a

1 certain petition of discharge from extended sexual offender parole supervision;
2 authorizing a certain registrant to petition for discharge after serving a certain
3 period of extended supervision; authorizing a registrant whose petition for
4 discharge is denied to petition for discharge again after a certain period;
5 requiring a certain petition for discharge to include a certain risk assessment of
6 a registrant and a recommendation from a certain sexual offender management
7 team; prohibiting the Commission from discharging a registrant from certain
8 supervision unless the Commission determines that the registrant no longer poses
9 an unacceptable risk to community safety; providing that the Commission has
10 certain powers for the purpose of carrying out certain duties; requiring the
11 Commission to appoint a certain administrator; requiring that a sexual offender
12 parole supervision be conducted by a sexual offender management team under
13 the supervision of the Division of Parole and Probation; requiring a sexual
14 offender management team to be comprised of a certain parole agent and a sexual
15 offender treatment provider; authorizing a sexual offender management team to
16 include certain other persons; requiring a sexual offender management team to
17 submit certain progress reports on certain registrants at certain intervals;
18 requiring a sexual offender management team to provide a copy of a certain
19 progress report to a certain local law enforcement unit; requiring the
20 Commission, with the advice of a certain board, to adopt certain regulations;
21 establishing a Sexual Offender Advisory Board; providing for the membership,
22 appointment, terms, staggering of terms, reimbursements, chair, quorum and
23 meeting requirements, duties, and staffing of the Board; requiring certain units
24 of government to cooperate with the Board; defining certain terms; specifying the
25 terms of the initial members of the Board; making this Act an emergency
26 measure; and generally relating to the supervision of, notifications concerning,
27 and penalties for sexual offenders.

28 BY repealing and reenacting, without amendments,

29 Article - Correctional Services

30 Section 7-205

31 Annotated Code of Maryland

32 (1999 Volume and 2005 Supplement)

33 BY repealing and reenacting, with amendments,

34 Article - Correctional Services

35 Section 7-206

36 Annotated Code of Maryland

37 (1999 Volume and 2005 Supplement)

38 BY repealing and reenacting, with amendments,

39 Article - Criminal Law

40 Section 3-303 through 3-306

41 Annotated Code of Maryland

42 (2002 Volume and 2005 Supplement)

1 BY repealing and reenacting, with amendments,
 2 Article - Criminal Procedure
 3 Section 10-215(a), 11-701, 11-705, 11-707, 11-708(b), 11-709, 11-717, 11-713,
 4 11-718, and 11-721
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7 BY repealing
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17 BY adding to
 18 Article - Public Safety
 19 Section 1-401 to be under the new subtitle "Subtitle 4. Sexual Offender Advisory
 20 Board"
 21 Annotated Code of Maryland
 22 (2003 Volume and 2005 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 24 MARYLAND, That the Laws of Maryland read as follows:

25 **~~Article - Correctional Services~~**

26 ~~7-205.~~

27 (a) ~~The Commission has the exclusive power to:~~

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

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

32 (3) ~~hear cases for parole in which:~~

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

- 1 (ii) the inmate was convicted of a homicide;
- 2 (iii) the inmate is serving a sentence of life imprisonment; or
- 3 (iv) the parole hearing is open to the public under § 7-304 of this
4 title;

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

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

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

12 ~~(7) hear cases of parole revocation; and~~

13 ~~(8) if delegated by the Governor, hear cases involving an alleged
14 violation of a conditional pardon.~~

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

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

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

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

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

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

30 ~~(2) administer oaths; and~~

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

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

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

6 (f) A witness who makes a false statement relating to a matter that is
 7 material to the Commission's inquiry while testifying before the Commission is guilty
 8 of perjury and on conviction is subject to the penalty of § 9-101 of the Criminal Law
 9 Article.

10 7-206.

11 The Commission shall:

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

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

17 (3) review and make recommendations to the Governor:

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

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

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

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

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

30 7-401.

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

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

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

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

7 (3) (1) IN THIS PARAGRAPH, "PAROLE" INCLUDES EXTENDED SEXUAL
8 OFFENDER PAROLE SUPERVISION UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL
9 PROCEDURE ARTICLE.

10 (H) AN INMATE MAY NOT RECEIVE CREDIT FOR TIME BETWEEN
11 RELEASE ON PAROLE OR MANDATORY SUPERVISION AND REVOCATION OF PAROLE
12 OR MANDATORY SUPERVISION IF:

13 1. THE INMATE WAS SERVING A SENTENCE FOR A
14 VIOLATION OF §§ 3-303 THROUGH 3-307, §§ 3-309 THROUGH 3-312, § 3-315, OR § 3-602
15 OF THE CRIMINAL LAW ARTICLE WHEN PAROLE OR MANDATORY SUPERVISION WAS
16 REVOKED; AND

17 2. THE PAROLE OR MANDATORY SUPERVISION WAS
18 REVOKED FOR A FINDING THAT THE INMATE HAD COMMITTED:

19 A. A VIOLENT CRIME;

20 B. A VIOLATION OF § 3-307, § 3-308, § 3-315, §§ 3-321 THROUGH
21 3-324, OR § 3-602 OF THE CRIMINAL LAW ARTICLE; OR

22 C. A VIOLATION OF § 11-721 OR § 11-722 OF THE CRIMINAL
23 PROCEDURE ARTICLE.

24 ~~7-401.~~

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

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

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

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

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

3 ~~(I) THE INMATE WAS SERVING A SENTENCE FOR A VIOLATION OF~~
4 ~~§§ 3-303 THROUGH 3-307, §§ 3-309 THROUGH 3-312, § 3-315, OR § 3-602 OF THE~~
5 ~~CRIMINAL LAW ARTICLE WHEN PAROLE WAS REVOKED; AND~~

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

8 ~~1. COMMITTED A VIOLENT CRIME WHILE ON PAROLE;~~

9 ~~2. COMMITTED A VIOLATION OF § 3-307, § 3-308, § 3-315, §§~~
10 ~~3-321 THROUGH 3-324, OR § 3-602 OF THE CRIMINAL LAW ARTICLE; OR~~

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

13 ~~**Article—Courts and Judicial Proceedings**~~

14 ~~4-301.~~

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

18 ~~(21) Violation of §§ 16-801 through 16-804 of the Election Law Article;~~
19 ~~for]~~

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

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

22 ~~4-302.~~

23 ~~(a) Except as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13),~~
24 ~~(14), (15), (16), (17), (18), (19), (20), (21), [and] (22), AND (23) of this subtitle, the~~
25 ~~District Court does not have jurisdiction to try a criminal case charging the~~
26 ~~commission of a felony.~~

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

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

32 ~~(ii) That is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9),~~
33 ~~(10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), [and] (22), AND (23) of~~
34 ~~this subtitle.~~

1

Article—Criminal Law2 ~~3-303.~~

3 (a) A person may not:

4 (1) engage in vaginal intercourse with another by force, or the threat of
5 force, without the consent of the other; and6 (2) (i) employ or display a dangerous weapon, or a physical object that
7 the victim reasonably believes is a dangerous weapon;8 (ii) suffocate, strangle, disfigure, or inflict serious physical injury
9 on the victim or another in the course of committing the crime;10 (iii) threaten, or place the victim in fear, that the victim, or an
11 individual known to the victim, imminently will be subject to death, suffocation,
12 strangulation, disfigurement, serious physical injury, or kidnapping;

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

14 (v) commit the crime in connection with a burglary in the first,
15 second, or third degree.16 (b) A person may not violate subsection (a) of this section while also violating
17 § 3-503(a)(2) of this title involving a victim who is a child under the age of 16 years.18 (C) A PERSON AT LEAST 18 YEARS OLD MAY NOT VIOLATE OR ATTEMPT TO
19 VIOLATE SUBSECTION (A) OF THIS SECTION INVOLVING A VICTIM WHO IS UNDER THE
20 AGE OF 13 YEARS.21 ~~[(c)] (D) (1) Except as provided in paragraphs (2) [and], (3), AND (4) of this~~
22 ~~subsection, a person who violates subsection (a) of this section is guilty of the felony of~~
23 ~~rape in the first degree and on conviction is subject to imprisonment not exceeding~~
24 ~~life.~~25 (2) A person who violates subsection (b) of this section is guilty of the
26 felony of rape in the first degree and on conviction is subject to imprisonment not
27 exceeding life without the possibility of parole.28 (3) A person who violates this section is guilty of the felony of rape in the
29 first degree and on conviction is subject to imprisonment not exceeding life without
30 the possibility of parole if the defendant was previously convicted of violating this
31 section or § 3-305 of this subtitle.32 (4) (1) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, A
33 PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS GUILTY OF THE
34 FELONY OF RAPE IN THE FIRST DEGREE AND ON CONVICTION IS SUBJECT TO
35 IMPRISONMENT FOR NOT LESS THAN 25 YEARS AND NOT EXCEEDING LIFE WITHOUT
36 THE POSSIBILITY OF PAROLE.

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

3 (III) EXCEPT AS PROVIDED IN § 4-305 OF THE CORRECTIONAL
4 SERVICES ARTICLE, A PERSON SENTENCED UNDER THIS PARAGRAPH IS NOT
5 ELIGIBLE FOR PAROLE IN LESS THAN 25 YEARS.

6 (III) ~~IF THE STATE FAILS TO COMPLY WITH SUBSECTION (E) OF THIS~~
7 ~~SECTION, THE MANDATORY MINIMUM SENTENCE SHALL NOT APPLY.~~

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

13 3-304.

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

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

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

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

23 (B) A PERSON AT LEAST 18 YEARS OLD MAY NOT VIOLATE OR ATTEMPT TO
24 VIOLATE THIS SECTION INVOLVING A VICTIM WHO IS A CHILD UNDER THE AGE OF 13
25 YEARS.

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

29 (2) (1) ~~SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, A~~
30 ~~PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF THE~~
31 ~~FELONY OF RAPE IN THE SECOND DEGREE AND ON CONVICTION IS SUBJECT TO~~
32 ~~IMPRISONMENT FOR NOT LESS THAN 15 ½ YEARS AND NOT EXCEEDING LIFE 20~~
33 ~~YEARS.~~

34 (HI) A COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY
35 MINIMUM SENTENCE OF 15 ½ YEARS.

1 (III) EXCEPT AS PROVIDED IN § 4-305 OF THE CORRECTIONAL
2 SERVICES ARTICLE, A PERSON SENTENCED UNDER THIS PARAGRAPH IS NOT
3 ELIGIBLE FOR PAROLE IN LESS THAN 15 YEARS.

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

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

10 ~~3-305.~~

11 (a) A person may not:

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

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

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

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

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

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

24 (b) A person may not violate subsection (a) of this section while also violating
25 § 3-503(a)(2) of this title involving a victim who is a child under the age of 16 years.

26 (C) A PERSON AT LEAST 18 YEARS OLD MAY NOT VIOLATE OR ATTEMPT TO
27 VIOLATE SUBSECTION (A) OF THIS SECTION INVOLVING A VICTIM WHO IS UNDER THE
28 AGE OF 13 YEARS.

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

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

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

5 (4) ~~(I) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, A
6 PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS GUILTY OF THE
7 FELONY OF SEXUAL OFFENSE IN THE FIRST DEGREE AND ON CONVICTION IS
8 SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 25 YEARS AND NOT EXCEEDING
9 LIFE WITHOUT THE POSSIBILITY OF PAROLE.~~

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

12 ~~(III) EXCEPT AS PROVIDED IN § 4-305 OF THE CORRECTIONAL
13 SERVICES ARTICLE, A PERSON SENTENCED UNDER THIS PARAGRAPH IS NOT
14 ELIGIBLE FOR PAROLE IN LESS THAN 25 YEARS.~~

15 ~~(III) IF THE STATE FAILS TO COMPLY WITH SUBSECTION (E) OF THIS
16 SECTION, THE MANDATORY MINIMUM SENTENCE SHALL NOT APPLY.~~

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

22 3-306.

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

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

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

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

32 ~~(B) A PERSON AT LEAST 18 YEARS OLD MAY NOT VIOLATE OR ATTEMPT TO
33 VIOLATE THIS SECTION INVOLVING A VICTIM WHO IS A CHILD UNDER THE AGE OF 13
34 YEARS.~~

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

1 (2) (4) ~~SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, A~~
2 ~~PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF THE~~
3 ~~FELONY OF SEXUAL OFFENSE IN THE SECOND DEGREE AND ON CONVICTION IS~~
4 ~~SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 15 5 YEARS AND NOT EXCEEDING~~
5 ~~LIFE 20 YEARS.~~

6 (II) ~~A COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY~~
7 ~~MINIMUM SENTENCE OF 15 5 YEARS.~~

8 (III) ~~EXCEPT AS PROVIDED IN § 4 305 OF THE CORRECTIONAL~~
9 ~~SERVICES ARTICLE, A PERSON SENTENCED UNDER THIS PARAGRAPH IS NOT~~
10 ~~ELIGIBLE FOR PAROLE IN LESS THAN 15 YEARS.~~

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

13 (4) ~~IF THE STATE INTENDS TO SEEK A SENTENCE OF IMPRISONMENT FOR~~
14 ~~NOT LESS THAN 5 YEARS UNDER SUBSECTION (C)(2) OF THIS SECTION, THE STATE~~
15 ~~SHALL NOTIFY THE PERSON IN WRITING OF THE STATE'S INTENTION AT LEAST 30~~
16 ~~DAYS BEFORE TRIAL.~~

17 ~~3-309.~~

18 (a) ~~A person may not attempt to commit rape in the first degree.~~

19 (b) ~~[A] SUBJECT TO THE PROVISIONS OF § 3-303 OF THIS SUBTITLE, A person~~
20 ~~who violates this section is guilty of a felony and on conviction is subject to~~
21 ~~imprisonment not exceeding life.~~

22 ~~3-310.~~

23 (a) ~~A person may not attempt to commit rape in the second degree.~~

24 (b) ~~[A] SUBJECT TO THE PROVISIONS OF § 3-304 OF THIS SUBTITLE, A person~~
25 ~~who violates this section is guilty of a felony and on conviction is subject to~~
26 ~~imprisonment not exceeding 20 years.~~

27 ~~3-311.~~

28 (a) ~~A person may not attempt to commit a sexual offense in the first degree.~~

29 (b) ~~[A] SUBJECT TO THE PROVISIONS OF § 3-305 OF THIS SUBTITLE, A person~~
30 ~~who violates this section is guilty of a felony and on conviction is subject to~~
31 ~~imprisonment not exceeding life.~~

32 ~~3-312.~~

33 (a) ~~A person may not attempt to commit a sexual offense in the second degree.~~

1 (b) ~~[A] SUBJECT TO THE PROVISIONS OF § 3-306 OF THIS SUBTITLE, A person~~
 2 ~~who violates this section is guilty of a felony and on conviction is subject to~~
 3 ~~imprisonment not exceeding 20 years.~~

4 **~~Article—Courts and Judicial Proceedings~~**

5 ~~4-301.~~

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

9 (21) ~~Violation of §§ 16-801 through 16-804 of the Election Law Article;~~
 10 ~~{or}~~

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

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

13 ~~4-302.~~

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

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

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

23 (ii) ~~That is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9),~~
 24 ~~(10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), [and] (22), AND (23) of~~
 25 ~~this subtitle.~~

26 **~~Article—Criminal Procedure~~**

27 ~~10-215.~~

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

30 (1) ~~the issuance or withdrawal of an arrest warrant;~~

31 (2) ~~an arrest;~~

32 (3) ~~the release of a person after arrest without the filing of a charge;~~

33 (4) ~~the filing of a charging document;~~

- 1 (5) a release pending trial or an appeal;
- 2 (6) a commitment to an institution of pretrial detention;
- 3 (7) the dismissal of an indictment or criminal information;
- 4 (8) a nolle prosequi;
- 5 (9) the marking of a charge "stet" on the docket;
- 6 (10) an acquittal, conviction, verdict of not criminally responsible, or any
7 other disposition of a case at or following trial, including a finding of probation before
8 judgment;
- 9 (11) the imposition of a sentence;
- 10 (12) a commitment to a State correctional facility or local correctional
11 facility;
- 12 (13) a commitment to the Department of Health and Mental Hygiene
13 under § 3-105 or § 3-111 of this article as incompetent to stand trial or not criminally
14 responsible;
- 15 (14) a release from detention or confinement;
- 16 (15) a conditional release, revocation of conditional release, or discharge
17 of a person committed to the Department of Health and Mental Hygiene under §
18 3-105 or § 3-111 of this article as incompetent to stand trial or not criminally
19 responsible;
- 20 (16) an escape from confinement or commitment;
- 21 (17) a pardon, reprieve, commutation of a sentence, or other change in a
22 sentence, including a change in a sentence that a court orders;
- 23 (18) an entry of an appeal to an appellate court;
- 24 (19) a judgment of an appellate court;
- 25 (20) an order of a court in a collateral proceeding that affects a person's
26 conviction, sentence, or confinement;
- 27 (21) an adjudication of a child as delinquent:
- 28 (i) if the child is at least 14 years old, for an act described in §
29 ~~3-8A-03(d)(1)~~ of the Courts Article; or
- 30 (ii) if the child is at least 16 years old, for an act described in §
31 ~~3-8A-03(d)(4) or (5)~~ of the Courts Article;

1 (22) the issuance or withdrawal of a writ of attachment by a juvenile
2 court; ~~and~~

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

5 ~~[(23)]~~ (24) any other event arising out of or occurring during the course of
6 a criminal proceeding that the Secretary by regulation or the Court of Appeals by rule
7 makes a reportable event.

8 ~~11-701.~~

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

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

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

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

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

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

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

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

25 ~~[(b-1)]~~ (B-2) "Employment" means an occupation, job, or vocation that is full
26 time or part time for a period exceeding 14 days or for an aggregate period exceeding
27 30 days during a calendar year, whether financially compensated, volunteered, or for
28 the purpose of government or educational benefit.

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

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

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

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

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

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

8 (5) has been convicted of violating the child pornography statute under §
9 11-207 of the Criminal Law Article;

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

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

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

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

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

22 (2) "Release" means:

23 (i) release on parole;

24 (ii) mandatory supervision release;

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

27 (iv) work release;

28 (v) placement on home detention; and

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

31 (3) "Release" does not include:

32 (i) an escape; or

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

- 1 (f) "Sexually violent offender" means a person who:
- 2 (1) has been convicted of a sexually violent offense; or
- 3 (2) has been convicted of an attempt to commit a sexually violent offense.
- 4 (g) "Sexually violent offense" means:
- 5 (1) a violation of §§ 3-303 through 3-307 or §§ 3-309 through 3-312 of
6 the Criminal Law Article;
- 7 (2) assault with intent to commit rape in the first or second degree or a
8 sexual offense in the first or second degree as prohibited on or before September 30,
9 1996, under former Article 27, § 12 of the Code; or
- 10 (3) a crime committed in another state or in a federal, military, or Native
11 American tribal jurisdiction that, if committed in this State, would constitute one of
12 the crimes listed in item (1) or (2) of this subsection.
- 13 (h) "Sexually violent predator" means:
- 14 (1) a person who:
- 15 (i) is convicted of a sexually violent offense; and
- 16 (ii) has been determined in accordance with this subtitle to be at
17 risk of committing another sexually violent offense; or
- 18 (2) a person who is or was required to register every 90 days for life
19 under the laws of another state or a federal, military, or Native American tribal
20 jurisdiction.
- 21 (i) "Supervising authority" means:
- 22 (1) the Secretary, if the registrant is in the custody of a correctional
23 facility operated by the Department;
- 24 (2) the administrator of a local correctional facility, if the registrant,
25 including a participant in a home detention program, is in the custody of the local
26 correctional facility;
- 27 (3) the court that granted the probation or suspended sentence, except as
28 provided in item (12) of this subsection, if the registrant is granted probation before
29 judgment, probation after judgment, or a suspended sentence;
- 30 (4) the Director of the Patuxent Institution, if the registrant is in the
31 custody of the Patuxent Institution;
- 32 (5) the Secretary of Health and Mental Hygiene, if the registrant is in
33 the custody of a facility operated by the Department of Health and Mental Hygiene;

- 1 (6) the court in which the registrant was convicted, if the registrant's
2 sentence does not include a term of imprisonment or if the sentence is modified to
3 time served;
- 4 (7) the Secretary, if the registrant is in the State under terms and
5 conditions of the Interstate Compact for Adult Offender Supervision, set forth in Title
6 6, Subtitle 2 of the Correctional Services Article, or the Interstate Corrections
7 Compact, set forth in Title 8, Subtitle 6 of the Correctional Services Article;
- 8 (8) the Secretary, if the registrant moves to this State and was convicted
9 in another state of a crime that would require the registrant to register if the crime
10 was committed in this State;
- 11 (9) the Secretary, if the registrant moves to this State from another state
12 where the registrant was required to register;
- 13 (10) the Secretary, if the registrant is convicted in a federal, military, or
14 Native American tribal court and is not under supervision by another supervising
15 authority;
- 16 (11) the Secretary, if the registrant is not a resident of this State and has
17 been convicted in another state or by a federal, military, or Native American tribal
18 court; or
- 19 (12) the Director of Parole and Probation, if the registrant is under the
20 supervision of the Division of Parole and Probation.
- 21 (j) "Transient" means a nonresident registrant who enters a county of this
22 State with the intent to be in the State or is in the State for a period exceeding 14
23 days or for an aggregate period exceeding 30 days during a calendar year for a
24 purpose other than employment or to attend an educational institution.
- 25 11-704.
- 26 (a) A person shall register with the [person's supervising authority] LOCAL
27 LAW ENFORCEMENT UNIT if the person is:
- 28 (1) a child sexual offender;
- 29 (2) an offender;
- 30 (3) a sexually violent offender;
- 31 (4) a sexually violent predator;
- 32 (5) a child sexual offender who, before moving into this State, was
33 required to register in another state or by a federal, military, or Native American
34 tribal court for a crime that occurred before October 1, 1995;
- 35 (6) an offender, sexually violent offender, or sexually violent predator
36 who, before moving into this State, was required to register in another state or by a

1 federal, military, or Native American tribal court for a crime that occurred before July
2 1, 1997; or

3 (7) a child sexual offender, offender, sexually violent offender, or sexually
4 violent predator who is required to register in another state, who is not a resident of
5 this State, and who enters this State:

6 (i) to carry on employment;

7 (ii) to attend a public or private educational institution, including a
8 secondary school, trade or professional institution, or institution of higher education,
9 as a full-time or part-time student; or

10 (iii) as a transient.

11 ~~11-705.~~

12 (a) In this section, "resident" means a person who lives in this State when the
13 person:

14 (1) is released;

15 (2) is granted probation;

16 (3) is granted a suspended sentence; or

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

18 (B) A SUPERVISING AUTHORITY SHALL:

19 (1) OBTAIN FROM A REGISTRANT THE INFORMATION REQUIRED UNDER
20 ~~§ 11-706 OF THIS SUBTITLE;~~

21 (2) NOTIFY THE REGISTRANT OF THE DUTY TO REGISTER WITHIN 5 DAYS
22 WITH THE LOCAL LAW ENFORCEMENT UNIT OF THE COUNTY WHERE THE
23 REGISTRANT WILL RESIDE, BE EMPLOYED, OR ATTEND SCHOOL, AS REQUIRED IN
24 SUBSECTION (D) OF THIS SECTION; AND

25 (3) SEND THE INFORMATION OBTAINED UNDER ITEM (1) OF THIS
26 SUBSECTION TO THE LOCAL LAW ENFORCEMENT UNIT OF THE COUNTY WHERE THE
27 REGISTRANT WILL RESIDE, ATTEND SCHOOL, OR WORK, AS APPROPRIATE.

28 ~~(b)~~ (C) A registrant shall register [with the supervising authority] IN
29 PERSON:

30 (1) if the registrant is a resident, [on or before] WITHIN 5 DAYS AFTER
31 the date that the registrant:

32 (i) is released;

33 (ii) is granted probation before judgment;

- 1 (iii) is granted probation after judgment;
- 2 (iv) is granted a suspended sentence; or
- 3 (v) receives a sentence that does not include a term of
- 4 imprisonment;

5 (2) if the registrant moves into the State, within [7] 5 days after the
 6 earlier of the date that the registrant:

- 7 (i) establishes a temporary or permanent residence in the State; or
- 8 (ii) applies for a driver's license in the State; or
- 9 (3) if the registrant is not a resident, within 14 days after the registrant:
- 10 (i) begins employment in the State;
- 11 (ii) registers as a student in the State; or
- 12 (iii) enters the State as a transient.

13 ~~(D) (1) A RESIDENT REGISTRANT SHALL REGISTER WITH THE LOCAL LAW~~
 14 ~~ENFORCEMENT UNIT OF THE COUNTY WHERE THE RESIDENT RESIDES.~~

15 ~~(2) A REGISTRANT WHO MOVES INTO THE STATE OR WHO IS A~~
 16 ~~TRANSIENT SHALL REGISTER WITH THE LOCAL LAW ENFORCEMENT UNIT OF THE~~
 17 ~~COUNTY WHERE THE REGISTRANT WILL RESIDE.~~

18 ~~(3) A REGISTRANT WHO DOES NOT RESIDE IN THE STATE AND WHO~~
 19 ~~ENTERS THE STATE TO ATTEND SCHOOL OR WORK SHALL REGISTER WITH THE~~
 20 ~~LOCAL LAW ENFORCEMENT UNIT OF THE COUNTY WHERE THE REGISTRANT:~~

- 21 ~~(I) REGISTERS AS A STUDENT IN THE STATE; OR~~
- 22 ~~(II) IS EMPLOYED IN THE STATE.~~

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

- 25 ~~(i) within 7 days after release, if the child sexual offender is a~~
 26 ~~resident; or~~
- 27 ~~(ii) within 7 days after registering with the supervising authority, if~~
 28 ~~the registrant is moving into this State.~~

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

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

3 ~~[(d)]~~ ~~(F)~~ ~~(1)~~ A registrant who changes residences shall send written notice of
4 the change to the ~~[Department]~~ STATE REGISTRY within ~~[7]~~ 5 days after the change
5 occurs.

6 ~~(2)~~ A REGISTRANT WHO CHANGES RESIDENCE SHALL REGISTER WITH
7 THE LOCAL LAW ENFORCEMENT UNIT WITHIN 5 DAYS OF THE CHANGE.

8 ~~(3)~~ IF A LOCAL LAW ENFORCEMENT UNIT REGISTERS A REGISTRANT
9 WHO HAS CHANGED RESIDENCES TO A DIFFERENT COUNTY, THE LOCAL LAW
10 ENFORCEMENT UNIT SHALL NOTIFY THE FORMER LOCAL LAW ENFORCEMENT UNIT
11 OF THE REGISTRANT'S CHANGE OF ADDRESS AND NEW REGISTRATION.

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

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

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

23 ~~11-707.~~

24 ~~(a)~~ ~~(1)~~ ~~[(i)]~~ A child sexual offender shall register annually in person, on or
25 before January 1,] A PERSON REQUIRED TO REGISTER UNDER THIS SUBTITLE SHALL
26 REGISTER IN PERSON with a local law enforcement unit for the term provided under
27 ~~[paragraph (4) of this subsection]~~ SUBSECTION (C) OF THIS SECTION.

28 ~~[(ii)]~~ ~~(2)~~ ~~[Each registration]~~ REGISTRATION shall include a ~~[new]~~
29 photograph THAT SHALL BE UPDATED AT LEAST ONCE A YEAR.

30 ~~(B)~~ ~~(1)~~ ~~(I)~~ A SEXUALLY VIOLENT OFFENDER AND AN OFFENDER SHALL
31 REGISTER EVERY 6 MONTHS FROM THE DATE THE SEXUALLY VIOLENT OFFENDER
32 OR THE OFFENDER WAS ORIGINALLY REQUIRED TO REGISTER.

33 ~~(H)~~ A PERSON MAY REGISTER UP TO 30 DAYS BEFORE THE DATE ON
34 WHICH REGISTRATION IS REQUIRED UNDER SUBPARAGRAPH (I) OF THIS
35 PARAGRAPH.

36 ~~(2)~~ ~~[An offender and a sexually violent offender shall register annually,~~
37 ~~on or before January 1, with the Department in accordance with § 11-711(a) of this~~
38 ~~subtitle and for the term provided under paragraph (4) of this subsection.~~

1 ~~(3)}~~ ~~(i)~~ A sexually violent predator AND A CHILD SEXUAL OFFENDER
 2 shall register [in person every 90 days, on or before January 1, April 1, July 1, and
 3 October 1, in accordance with § 11-711(b) of this subtitle and for the term provided
 4 under paragraph (4)(ii) of this subsection] EVERY 3 MONTHS FROM THE DATE THE
 5 SEXUALLY VIOLENT PREDATOR OR THE CHILD SEXUAL OFFENDER WAS ORIGINALLY
 6 REQUIRED TO REGISTER.

7 ~~(H)~~ A PERSON MAY REGISTER UP TO 30 DAYS BEFORE THE DATE ON
 8 WHICH REGISTRATION IS REQUIRED UNDER SUBPARAGRAPH (I) OF THIS
 9 PARAGRAPH.

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

12 (4) The term of registration is:

13 (i) 10 years; or

14 (ii) life, if:

15 1. the registrant is a sexually violent predator;

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

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

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

23 ~~(C)~~ ~~(1)~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE
 24 TERM OF REGISTRATION IS LIFE.

25 (2) FOR AN OFFENDER WHO HAS NO PRIOR CONVICTIONS FOR A CRIME
 26 LISTED IN § 11-701(B), (D), OR (G) OF THIS SUBTITLE, OR SIMILAR LAW OF ANOTHER
 27 STATE OR THE UNITED STATES, THE TERM OF REGISTRATION IS 20 YEARS.

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

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

32 (1) the last date of release;

33 (2) the date granted probation; or

34 (3) the date granted a suspended sentence.]

1 ~~11-708.~~

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

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

9 (i) ~~OBTAIN A DNA SAMPLE FROM THE REGISTRANT AT THE
10 REGISTRANT'S INITIAL REGISTRATION; AND~~

11 (ii) ~~PROVIDE THE SAMPLE TO THE STATEWIDE DNA DATABASE
12 SYSTEM OF THE DEPARTMENT OF STATE POLICE CRIME LABORATORY.~~

13 ~~11-709.~~

14 (a) ~~Each year within 5 days after a child sexual offender completes the
15 registration requirements of § 11-707(a) of this subtitle, a local law enforcement unit
16 shall send notice of the child sexual offender's annual registration, including the
17 photograph, to the Department.~~

18 (b) (1) ~~As soon as possible but not later than [5] 10 working days after
19 receiving a registration statement of a child sexual offender OR NOTICE OF A CHANGE
20 OF ADDRESS OF A CHILD SEXUAL OFFENDER, a local law enforcement unit shall send
21 written notice of the registration statement OR CHANGE OF ADDRESS to the county
22 superintendent, as defined in § 1-101 of the Education Article, AND ALL NONPUBLIC
23 PRIMARY AND SECONDARY SCHOOLS in the county where the child sexual offender is
24 to reside or where a child sexual offender who is not a resident of the State is a
25 transient or will work or attend school.~~

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

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

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

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

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

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

10 (E) ~~AS SOON AS POSSIBLE BUT NOT LATER THAN 10 WORKING DAYS AFTER~~
11 ~~RECEIVING A NOTICE FROM A SUPERVISING AUTHORITY UNDER THIS SUBTITLE, A~~
12 ~~LOCAL LAW ENFORCEMENT UNIT SHALL SEND A COPY OF THE NOTICE TO THE~~
13 ~~COMMANDER OF THE LAW ENFORCEMENT UNIT IN THE DISTRICT OR AREA IN WHICH~~
14 ~~THE CHILD SEXUAL OFFENDER IS TO RESIDE OR WHERE A CHILD SEXUAL OFFENDER~~
15 ~~WHO IS NOT A RESIDENT OF THE STATE IS A TRANSIENT OR WILL WORK OR ATTEND~~
16 ~~SCHOOL.~~

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

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

25 (2) ~~CHILD RECREATION FACILITIES;~~

26 (3) ~~FAITH INSTITUTIONS; AND~~

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

29 ~~{11-711.~~

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

32 (2) ~~The verification form may not be forwarded.~~

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

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

1 (2) The verification form may not be forwarded.

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

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

7 ~~41-713.~~

8 The Department:

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

13 (2) shall keep a central registry of registrants;

14 (3) shall reimburse ~~[supervising authorities]~~ LOCAL LAW
15 ENFORCEMENT UNITS for the cost of processing the registration statements of
16 registrants, including the cost of taking fingerprints and photographs.

17 ~~41-717.~~

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

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

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

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

34 (D) ~~THE DEPARTMENT SHALL ALLOW MEMBERS OF THE PUBLIC WHO LIVE IN
35 THE COUNTY IN WHICH THE REGISTRANT IS TO RESIDE OR WHERE THE REGISTRANT,
36 IF NOT A RESIDENT OF THE STATE, IS A TRANSIENT OR WILL WORK OR ATTEND
37 SCHOOL, BY REQUEST, TO RECEIVE NOTIFICATION OF THE RELEASE FROM~~

~~1 INCARCERATION OF A REGISTERED OFFENDER AND THE REGISTRATION
2 INFORMATION OF THE OFFENDER.~~

~~3 [(c)] (E) The Department shall establish regulations to carry out this section.
4 11-718.~~

~~5 (a) (1) If the Department or a local law enforcement unit finds that, to
6 protect the public from a specific registrant, it is necessary to give notice of a
7 registration statement OR A CHANGE OF ADDRESS OF THE REGISTRANT to a
8 particular person OR GROUP NOT OTHERWISE IDENTIFIED UNDER § 11-709 OF THIS
9 SUBTITLE, then the Department or a local law enforcement unit shall give notice of
10 the registration statement to that person.~~

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

~~13 (b) (1) The Department and local law enforcement units shall establish
14 procedures to carry out the notification requirements of this section, including the
15 circumstances under and manner in which notification shall be provided.~~

~~16 (2) IN ADDITION TO THE PROCEDURE SPECIFIED IN § 11-709 OF THIS
17 SUBTITLE, A LOCAL LAW ENFORCEMENT UNIT MAY PROVIDE NOTIFICATION BY ANY
18 OTHER METHOD IT CONSIDERS APPROPRIATE.~~

~~19 (3) THE DEPARTMENT SHALL ADOPT REGULATIONS REGARDING THE
20 FACTORS A LOCAL LAW ENFORCEMENT UNIT SHALL CONSIDER IN DETERMINING
21 THE SCOPE AND MANNER OF NOTIFICATION THAT SHALL BEST SERVE THE
22 INTERESTS OF JUSTICE, COMMUNITY SAFETY, AND AVAILABILITY OF RESOURCES TO
23 LOCAL LAW ENFORCEMENT.~~

~~24 (c) A local law enforcement unit and the Department may not release the
25 identity of a victim of a crime that requires registration under this subtitle.~~

~~26 (d) A disclosure under this section does not limit or prohibit any other
27 disclosure allowed or required under law.~~

~~28 11-721.~~

~~29 (a) A registrant may not knowingly fail to register, knowingly fail to provide
30 the written notice required under § 11-705(d), (e), or (f) of this subtitle, or knowingly
31 provide false information of a material fact as required by this subtitle.~~

~~32 (b) A person who violates this section is guilty of a [misdemeanor] FELONY
33 and on conviction is subject to imprisonment not exceeding [3] 5 years or a fine not
34 exceeding [\$5,000] \$10,000 or both.~~

~~35 [(c) A person who violates this section is subject to § 5-106(b) of the Courts
36 Article.]~~

1 ~~11-722.~~

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

4 (1) ~~WHERE THE REGISTRANT IS A STUDENT OR THE REGISTRANT'S~~
5 ~~CHILD IS A STUDENT OR RECEIVES CHILD CARE, IF:~~

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

11 (ii) ~~THE REGISTRANT PROMPTLY NOTIFIES AN AGENT OR~~
12 ~~EMPLOYEE OF THE SCHOOL, HOME, OR INSTITUTION OF THE REGISTRANT'S~~
13 ~~PRESENCE AND PURPOSE OF VISIT; OR~~

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

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

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

20 (2) ~~ON WHICH IS LOCATED:~~

21 (i) ~~A FAMILY DAY CARE HOME REGISTERED UNDER TITLE 5,~~
22 ~~SUBTITLE 5 OF THE FAMILY LAW ARTICLE; OR~~

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

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

28 ~~11-723.~~

29 (A) ~~EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A SENTENCE~~
30 ~~FOR A DEFENDANT FOR A VIOLATION THAT REQUIRES THE DEFENDANT TO~~
31 ~~REGISTER AS A CHILD SEX OFFENDER, A SEXUALLY VIOLENT OFFENDER, OR A~~
32 ~~SEXUALLY VIOLENT PREDATOR UNDER § 11-707 OF THIS SUBTITLE SHALL INCLUDE A~~
33 ~~TERM OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION.~~

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

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

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

9 (II) ~~ENGAGING IN A SEXUAL ACT WITH ANOTHER IF THE VICTIM IS~~
10 ~~14 OR 15 YEARS OLD, AND THE PERSON PERFORMING THE SEXUAL ACT IS AT LEAST 21~~
11 ~~YEARS OLD; OR~~

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

15 (C) ~~THE TERM OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION FOR~~
16 ~~A DEFENDANT SENTENCED ON OR AFTER JULY 1, 2006, SHALL:~~

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

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

20 (D) (1) ~~AT SENTENCING, WHEN APPLICABLE, THE JUDGE SHALL STATE ON~~
21 ~~THE RECORD THAT THE DEFENDANT'S SENTENCE SHALL INCLUDE A TERM OF~~
22 ~~EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION.~~

23 (2) ~~THE STATEMENT REQUIRED UNDER PARAGRAPH (1) OF THIS~~
24 ~~SUBSECTION IS FOR INFORMATION ONLY AND IS NOT A PART OF THE SENTENCE.~~

25 (3) ~~THE FAILURE OF A COURT TO COMPLY WITH PARAGRAPH (1) OF THIS~~
26 ~~SUBSECTION DOES NOT AFFECT THE LEGALITY OR EFFICACY OF THE SENTENCE.~~

27 ~~11-724.~~

28 (A) ~~THE MARYLAND PAROLE COMMISSION SHALL:~~

29 (1) ~~ESTABLISH CONDITIONS OF PAROLE AND EXTENDED PAROLE~~
30 ~~SUPERVISION FOR REGISTRANTS SENTENCED TO SUPERVISION UNDER § 11-723 OF~~
31 ~~THIS SUBTITLE THAT SET OUT SPECIFIC CONDITIONS OF SUPERVISION, WHICH~~
32 ~~SHALL:~~

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

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

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

3 (3) ~~IMPOSE SANCTIONS FOR EXTENDED SEXUAL OFFENDER PAROLE~~
4 ~~SUPERVISION VIOLATIONS.~~

5 (B) ~~IN ADDITION TO ANY OTHER CONDITIONS OF RELEASE, SPECIFIC~~
6 ~~CONDITIONS OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION MAY~~
7 ~~INCLUDE:~~

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

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

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

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

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

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

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

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

28 (C) (1) ~~THE COMMISSION SHALL HEAR AND ADJUDICATE A PETITION FOR~~
29 ~~DISCHARGE FROM EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION FROM A~~
30 ~~REGISTRANT.~~

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

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

36 (4) ~~A PETITION FOR DISCHARGE SHALL INCLUDE:~~

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

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

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

10 (D) ~~THE COMMISSION SHALL HAVE ALL OF THE POWERS SET FORTH IN §§~~
11 ~~7-205 AND 7-206 OF THE CORRECTIONAL SERVICES ARTICLE FOR THE PURPOSE OF~~
12 ~~CARRYING OUT THE DUTIES OF THE COMMISSION UNDER THIS SUBTITLE.~~

13 (E) ~~THE COMMISSION SHALL APPOINT AN ADMINISTRATOR TO COORDINATE~~
14 ~~THE REQUIREMENTS OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION~~
15 ~~UNDER THIS SUBTITLE.~~

16 (F) ~~PARTICIPATION IN A CERTIFIED SEXUAL OFFENDER TREATMENT~~
17 ~~PROGRAM SHALL NOT PROHIBIT A CONVICTED INDIVIDUAL FROM CONTINUING TO~~
18 ~~MAINTAIN A CONSISTENTLY PROCLAIMED INNOCENCE.~~

19 (G) ~~THE COMMISSION SHALL, BY REGULATION, ESTABLISH~~
20 ~~CONSTITUTIONALLY COMPLIANT NOTICE AND HEARING PROCEDURES APPLICABLE~~
21 ~~TO THE IMPOSITION OF SANCTIONS FOR EXTENDED SEXUAL OFFENDER PAROLE~~
22 ~~SUPERVISION VIOLATIONS AND PETITIONS FOR DISCHARGE FROM EXTENDED~~
23 ~~SEXUAL OFFENDER PAROLE SUPERVISION.~~

24 ~~41-725.~~

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

30 (B) ~~A SEXUAL OFFENDER MANAGEMENT TEAM:~~

31 (1) ~~CONSISTS OF:~~

32 (I) ~~A SPECIALLY TRAINED PAROLE AND PROBATION AGENT;~~

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

35 (III) ~~A LAW ENFORCEMENT REPRESENTATIVE; AND~~

36 (2) ~~MAY INCLUDE:~~

- 1 (I) VICTIM ADVOCATES;
- 2 (II) FAITH COUNSELORS;
- 3 (III) EMPLOYMENT COUNSELORS;
- 4 (IV) COMMUNITY LEADERS;
- 5 (V) A POLYGRAPHER; AND
- 6 (VI) ANY OTHER PERSON DETERMINED BY THE DIVISION OF
- 7 PAROLE AND PROBATION TO BE APPROPRIATE.

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

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

16 41-726.

17 THE COMMISSION, WITH THE ADVICE OF THE SEXUAL OFFENDER ADVISORY
 18 BOARD ESTABLISHED UNDER § 1-401 OF THE PUBLIC SAFETY ARTICLE, SHALL ADOPT
 19 REGULATIONS NECESSARY TO CARRY OUT THE DUTIES OF THE COMMISSION UNDER
 20 § 11-724 OF THIS SUBTITLE.

21 **Article—Public Safety**

22 **SUBTITLE 4. SEXUAL OFFENDER ADVISORY BOARD.**

23 1-401.

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

26 (B) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:

27 (1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE
 28 PRESIDENT OF THE SENATE;

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

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

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

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

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

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

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

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

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

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

15 (III) ~~A STATE'S ATTORNEY;~~

16 (IV) ~~A LAWYER WITH EXPERTISE IN CRIMINAL DEFENSE;~~

17 (V) ~~A SEXUAL OFFENDER TREATMENT PROVIDER;~~

18 (VI) ~~A POLYGRAPHER;~~

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

21 (VIII) ~~TWO CITIZEN MEMBERS.~~

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

23 (2) ~~THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS~~
24 ~~REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON THE~~
25 ~~EFFECTIVE DATE OF CHAPTER ____ (SB ____)(LR0031) OF THE ACTS OF THE GENERAL~~
26 ~~ASSEMBLY OF THE SPECIAL SESSION OF 2006.~~

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

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

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

1 ~~(D) A BOARD MEMBER:~~

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

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

6 ~~(E) THE GOVERNOR SHALL SELECT THE CHAIR FROM AMONG THE BOARD'S~~
7 ~~MEMBERS.~~

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

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

11 ~~(3) THE BOARD SHALL MEET AT LEAST FOUR TIMES ANNUALLY AT THE~~
12 ~~TIMES AND PLACES IT DETERMINES.~~

13 ~~(G) THE BOARD SHALL:~~

14 ~~(1) REVIEW TECHNOLOGY FOR THE TRACKING OF OFFENDERS;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

- 16 (1) One citizen member in 2007;
- 17 (2) The member of the victim's advocacy group in 2007;
- 18 (3) The health care professional with expertise in mental disorders in
19 2008;
- 20 (4) One citizen member in 2008;
- 21 (5) The sexual offender treatment provider in 2008;
- 22 (6) The lawyer with expertise in criminal defense in 2009;
- 23 (7) The representative of a local law enforcement unit in 2009;
- 24 (8) The State's Attorney in 2009; and
- 25 (9) The polygrapher in 2009.

26 SECTION 3. AND BE IT FURTHER ENACTED, That, if a registrant who was
27 required to register before the effective date of this Act, has not submitted a DNA
28 sample, as defined in § 2-501 of the Public Safety Article, for inclusion in the
29 statewide DNA database system of the Department of State Police Crime Laboratory,
30 a supervising authority at the next registration of the registrant shall:

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

1

Article—Criminal Procedure2 ~~10-215.~~

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

5 ~~(1) the issuance or withdrawal of an arrest warrant;~~

6 ~~(2) an arrest;~~

7 ~~(3) the release of a person after arrest without the filing of a charge;~~

8 ~~(4) the filing of a charging document;~~

9 ~~(5) a release pending trial or an appeal;~~

10 ~~(6) a commitment to an institution of pretrial detention;~~

11 ~~(7) the dismissal of an indictment or criminal information;~~

12 ~~(8) a nolle prosequi;~~

13 ~~(9) the marking of a charge "stet" on the docket;~~

14 ~~(10) an acquittal, conviction, verdict of not criminally responsible, or any~~
15 ~~other disposition of a case at or following trial, including a finding of probation before~~
16 ~~judgment;~~

17 ~~(11) the imposition of a sentence;~~

18 ~~(12) a commitment to a State correctional facility or local correctional~~
19 ~~facility;~~

20 ~~(13) a commitment to the Department of Health and Mental Hygiene~~
21 ~~under § 3-105 or § 3-111 of this article as incompetent to stand trial or not criminally~~
22 ~~responsible;~~

23 ~~(14) a release from detention or confinement;~~

24 ~~(15) a conditional release, revocation of conditional release, or discharge~~
25 ~~of a person committed to the Department of Health and Mental Hygiene under §~~
26 ~~3-105 or § 3-111 of this article as incompetent to stand trial or not criminally~~
27 ~~responsible;~~

28 ~~(16) an escape from confinement or commitment;~~

29 ~~(17) a pardon, reprieve, commutation of a sentence, or other change in a~~
30 ~~sentence, including a change in a sentence that a court orders;~~

31 ~~(18) an entry of an appeal to an appellate court;~~

1 ~~(19) a judgment of an appellate court;~~

2 ~~(20) an order of a court in a collateral proceeding that affects a person's~~
3 ~~conviction, sentence, or confinement;~~

4 ~~(21) an adjudication of a child as delinquent;~~

5 ~~(i) if the child is at least 14 years old, for an act described in §~~
6 ~~3-8A-03(d)(1) of the Courts Article; or~~

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

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

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

13 ~~[(23)] (24) any other event arising out of or occurring during the course of~~
14 ~~a criminal proceeding that the Secretary by regulation or the Court of Appeals by rule~~
15 ~~makes a reportable event.~~

16 ~~11-701.~~

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

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

19 (b) ~~"child sexual offender" means a person who:~~

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

21 (2) ~~has been convicted of violating any of the provisions of [the rape or~~
22 ~~sexual offense statutes under] §§ 3-303 through [3-307] 3-307, §§ 3-309 THROUGH~~
23 ~~3-312, § 3-315, OR §§ 3-321 THROUGH 3-324 of the Criminal Law Article for a crime~~
24 ~~involving a child under the age of 15 years;~~

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

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

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

33 ~~[(b-1)] (B-2) "Employment" means an occupation, job, or vocation that is full~~
34 ~~time or part time for a period exceeding 14 days or for an aggregate period exceeding~~

1 30 days during a calendar year, whether financially compensated, volunteered, or for
2 the purpose of government or educational benefit.

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

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

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

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

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

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

16 (5) has been convicted of violating the child pornography statute under §
17 11-207 of the Criminal Law Article;

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

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

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

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

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

30 (2) "Release" means:

31 (i) release on parole;

32 (ii) mandatory supervision release;

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

- 1 ~~(iv)~~ work release;
- 2 ~~(v)~~ placement on home detention; and
- 3 ~~(vi)~~ the first instance of entry into the community that is part of a
4 supervising authority's graduated release program.
- 5 ~~(3)~~ "Release" does not include:
- 6 ~~(i)~~ an escape; or
- 7 ~~(ii)~~ leave that is granted on an emergency basis.
- 8 ~~(f)~~ "Sexually violent offender" means a person who:
- 9 ~~(1)~~ has been convicted of a sexually violent offense; or
- 10 ~~(2)~~ has been convicted of an attempt to commit a sexually violent offense.
- 11 ~~(g)~~ "Sexually violent offense" means:
- 12 ~~(1)~~ a violation of §§ 3-303 through 3-307 or §§ 3-309 through 3-312 of
13 the Criminal Law Article;
- 14 ~~(2)~~ assault with intent to commit rape in the first or second degree or a
15 sexual offense in the first or second degree as prohibited on or before September 30,
16 1996, under former Article 27, § 12 of the Code; or
- 17 ~~(3)~~ a crime committed in another state or in a federal, military, or Native
18 American tribal jurisdiction that, if committed in this State, would constitute one of
19 the crimes listed in item (1) or (2) of this subsection.
- 20 ~~(h)~~ "Sexually violent predator" means:
- 21 ~~(1)~~ a person who:
- 22 ~~(i)~~ is convicted of a sexually violent offense; and
- 23 ~~(ii)~~ has been determined in accordance with this subtitle to be at
24 risk of committing another sexually violent offense; or
- 25 ~~(2)~~ a person who is or was required to register every 90 days for life
26 under the laws of another state or a federal, military, or Native American tribal
27 jurisdiction.
- 28 ~~(i)~~ "Supervising authority" means:
- 29 ~~(1)~~ the Secretary, if the registrant is in the custody of a correctional
30 facility operated by the Department;

- 1 ~~(2) the administrator of a local correctional facility, if the registrant,~~
2 ~~including a participant in a home detention program, is in the custody of the local~~
3 ~~correctional facility;~~
- 4 ~~(3) the court that granted the probation or suspended sentence, except as~~
5 ~~provided in item (12) of this subsection, if the registrant is granted probation before~~
6 ~~judgment, probation after judgment, or a suspended sentence;~~
- 7 ~~(4) the Director of the Patuxent Institution, if the registrant is in the~~
8 ~~custody of the Patuxent Institution;~~
- 9 ~~(5) the Secretary of Health and Mental Hygiene, if the registrant is in~~
10 ~~the custody of a facility operated by the Department of Health and Mental Hygiene;~~
- 11 ~~(6) the court in which the registrant was convicted, if the registrant's~~
12 ~~sentence does not include a term of imprisonment or if the sentence is modified to~~
13 ~~time served;~~
- 14 ~~(7) the Secretary, if the registrant is in the State under terms and~~
15 ~~conditions of the Interstate Compact for Adult Offender Supervision, set forth in Title~~
16 ~~6, Subtitle 2 of the Correctional Services Article, or the Interstate Corrections~~
17 ~~Compact, set forth in Title 8, Subtitle 6 of the Correctional Services Article;~~
- 18 ~~(8) the Secretary, if the registrant moves to this State and was convicted~~
19 ~~in another state of a crime that would require the registrant to register if the crime~~
20 ~~was committed in this state;~~
- 21 ~~(9) the Secretary, if the registrant moves to this State from another state~~
22 ~~where the registrant was required to register;~~
- 23 ~~(10) the Secretary, if the registrant is convicted in a federal, military, or~~
24 ~~Native American tribal court and is not under supervision by another supervising~~
25 ~~authority;~~
- 26 ~~(11) the Secretary, if the registrant is not a resident of this State and has~~
27 ~~been convicted in another state or by a federal, military, or Native American tribal~~
28 ~~court; or~~
- 29 ~~(12) the Director of Parole and Probation, if the registrant is under the~~
30 ~~supervision of the Division of Parole and Probation.~~
- 31 ~~(j) "Transient" means a nonresident registrant who enters a county of this~~
32 ~~State with the intent to be in the State or is in the State for a period exceeding 14~~
33 ~~days or for an aggregate period exceeding 30 days during a calendar year for a~~
34 ~~purpose other than employment or to attend an educational institution.~~

1 ~~11-707.~~

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

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

8 (2) (1) ~~An offender and a sexually violent offender shall register~~
9 ~~[annually, on or before January 1,] IN PERSON EVERY 3 MONTHS with the~~
10 ~~Department [in accordance with § 11-711(a) of this subtitle and] for the term~~
11 ~~provided under paragraph (4) of this subsection.~~

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

14 (3) (i) ~~A sexually violent predator shall register in person every [90~~
15 ~~days] 3 MONTHS [, on or before January 1, April 1, July 1, and October 1, in~~
16 ~~accordance with § 11-711(b) of this subtitle and] for the term provided under~~
17 ~~paragraph (4)(ii) of this subsection.~~

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

20 (4) ~~The term of registration is:~~

21 (i) ~~[10] 20 years; or~~

22 (ii) ~~life, if:~~

23 ~~1. the registrant is a sexually violent predator;~~

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

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

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

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

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

35 (1) ~~the last date of release;~~

1 ~~(2) the date granted probation; or~~

2 ~~(3) the date granted a suspended sentence.~~

3 ~~11-708.~~

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

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

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

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

15 ~~11-709.~~

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

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

25 ~~(b) (1) As soon as possible but not later than [5] 10 working days after~~
 26 ~~receiving a registration statement of a child sexual offender OR NOTICE OF A CHANGE~~
 27 ~~OF ADDRESS OF A CHILD SEXUAL OFFENDER, a local law enforcement unit shall send~~
 28 ~~written notice of the registration statement OR CHANGE OF ADDRESS to the county~~
 29 ~~superintendent, as defined in § 1-101 of the Education Article, AND ALL NONPUBLIC~~
 30 ~~PRIMARY AND SECONDARY SCHOOLS in the county where the child sexual offender is~~
 31 ~~to reside or where a child sexual offender who is not a resident of the State is a~~
 32 ~~transient or will work or attend school.~~

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

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

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

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

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

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

16 (E) AS SOON AS POSSIBLE BUT NOT LATER THAN 10 WORKING DAYS AFTER
 17 RECEIVING A NOTICE FROM A SUPERVISING AUTHORITY UNDER THIS SUBTITLE, A
 18 LOCAL LAW ENFORCEMENT UNIT SHALL SEND A COPY OF THE NOTICE TO THE
 19 COMMANDER OF THE LAW ENFORCEMENT UNIT IN THE DISTRICT OR AREA IN WHICH
 20 THE CHILD SEXUAL OFFENDER IS TO RESIDE OR WHERE A CHILD SEXUAL OFFENDER
 21 WHO IS NOT A RESIDENT OF THE STATE IS A TRANSIENT OR WILL WORK OR ATTEND
 22 SCHOOL.

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

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

31 (2) CHILD RECREATION FACILITIES;

32 (3) FAITH INSTITUTIONS; AND

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

35 [[1-711.

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

1 (2) The verification form may not be forwarded.

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

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

7 (2) The verification form may not be forwarded.

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

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

13 11-713.

14 The Department:

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

19 (2) shall keep a central registry of registrants;

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

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

25 11-717.

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

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

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

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

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

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

15 ~~11-718.~~

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

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

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

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

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

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

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

1 ~~11-721.~~

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

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

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

10 ~~11-722.~~

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

13 ~~(1) ON WHICH THE REGISTRANT IS A STUDENT OR THE REGISTRANT'S~~
 14 ~~CHILD IS A STUDENT OR RECEIVES CHILD CARE, IF:~~

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

20 ~~(ii) THE REGISTRANT PROMPTLY NOTIFIES AN AGENT OR~~
 21 ~~EMPLOYEE OF THE SCHOOL, HOME, OR INSTITUTION OF THE REGISTRANT'S~~
 22 ~~PRESENCE AND PURPOSE OF VISIT; OR~~

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

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

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

29 ~~(2) ON WHICH IS LOCATED:~~

30 ~~(i) A FAMILY DAY CARE HOME REGISTERED UNDER TITLE 5,~~
 31 ~~SUBTITLE 5 OF THE FAMILY LAW ARTICLE; OR~~

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

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

1 ~~11-723.~~

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

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

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

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

19 ~~(II) ENGAGING IN A SEXUAL ACT WITH ANOTHER IF THE VICTIM IS~~
20 ~~14 OR 15 YEARS OLD, AND THE PERSON PERFORMING THE SEXUAL ACT IS AT LEAST 21~~
21 ~~YEARS OLD; OR~~

22 ~~(III) ENGAGING IN VAGINAL INTERCOURSE WITH ANOTHER IF THE~~
23 ~~VICTIM IS 14 OR 15 YEARS OLD, AND THE PERSON PERFORMING THE ACT IS AT LEAST~~
24 ~~21 YEARS OLD.~~

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

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

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

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

33 ~~11-724.~~

34 ~~(A) THE MARYLAND PAROLE COMMISSION SHALL:~~

35 ~~(1) ENTER INTO AND SIGN EXTENDED SEXUAL OFFENDER PAROLE~~
36 ~~SUPERVISION AGREEMENTS WITH REGISTRANTS SENTENCED TO SUPERVISION~~

1 ~~UNDER § 11-723 OF THIS SUBTITLE THAT SET OUT SPECIFIC CONDITIONS OF~~
2 ~~SUPERVISION, WHICH SHALL:~~

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

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

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

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

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

14 ~~(C) SPECIFIC CONDITIONS OF EXTENDED SEXUAL OFFENDER PAROLE~~
15 ~~SUPERVISION MAY INCLUDE:~~

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

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

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

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

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

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

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

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

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

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

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

9 ~~(4) A PETITION FOR DISCHARGE SHALL INCLUDE:~~

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

13 ~~(ii) A RECOMMENDATION FROM THE SEXUAL OFFENDER~~
14 ~~MANAGEMENT TEAM REGARDING THE DISCHARGE OF THE REGISTRANT.~~

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

19 ~~(E) THE COMMISSION SHALL HAVE ALL OF THE POWERS SET FORTH IN §§~~
20 ~~7-205 AND 7-206 OF THE CORRECTIONAL SERVICES ARTICLE FOR THE PURPOSE OF~~
21 ~~CARRYING OUT THE DUTIES OF THE COMMISSION UNDER THIS SUBTITLE.~~

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

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

28 ~~(H) BY REGULATION, THE COMMISSION SHALL ESTABLISH~~
29 ~~CONSTITUTIONALLY COMPLIANT NOTICE AND HEARING PROCEDURES APPLICABLE~~
30 ~~TO THE IMPOSITION OF SANCTIONS FOR EXTENDED SEXUAL OFFENDER PAROLE~~
31 ~~SUPERVISION VIOLATIONS AND PETITIONS FOR DISCHARGE FROM EXTENDED~~
32 ~~SEXUAL OFFENDER PAROLE SUPERVISION.~~

33 ~~11-725.~~

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

- 1 ~~(B) A SEXUAL OFFENDER MANAGEMENT TEAM:~~
- 2 ~~(1) CONSISTS OF:~~
- 3 ~~(I) A SPECIALLY TRAINED PAROLE AND PROBATION AGENT;~~
- 4 ~~(II) A REPRESENTATIVE OF A CERTIFIED SEX OFFENDER~~
- 5 ~~TREATMENT PROVIDER; AND~~
- 6 ~~(III) A LAW ENFORCEMENT REPRESENTATIVE; AND~~
- 7 ~~(2) MAY INCLUDE:~~
- 8 ~~(I) VICTIM ADVOCATES;~~
- 9 ~~(II) FAITH COUNSELORS;~~
- 10 ~~(III) EMPLOYMENT COUNSELORS;~~
- 11 ~~(IV) COMMUNITY LEADERS;~~
- 12 ~~(V) A POLYGRAPHER; AND~~
- 13 ~~(VI) ANY OTHER PERSON DETERMINED BY THE DIVISION OF~~
- 14 ~~PAROLE AND PROBATION TO BE APPROPRIATE.~~

15 ~~(C) (1) A SEXUAL OFFENDER MANAGEMENT TEAM SHALL SUBMIT~~

16 ~~PROGRESS REPORTS ON EACH REGISTRANT TO THE COMMISSION ONCE EVERY 6~~

17 ~~MONTHS.~~

18 ~~(2) TO THE EXTENT ALLOWED BY FEDERAL LAW, A SEXUAL OFFENDER~~

19 ~~MANAGEMENT TEAM SHALL PROVIDE COPIES OF EACH PROGRESS REPORT TO LOCAL~~

20 ~~LAW ENFORCEMENT UNITS OF THE COUNTY IN WHICH THE REGISTRANT RESIDES OR~~

21 ~~WHERE A SEXUAL OFFENDER WHO IS NOT A RESIDENT OF THE STATE IS A~~

22 ~~TRANSIENT OR WILL WORK OR ATTEND SCHOOL.~~

23 ~~11-726.~~

24 ~~THE COMMISSION, WITH THE ADVICE OF THE SEXUAL OFFENDER ADVISORY~~

25 ~~BOARD ESTABLISHED UNDER § 1-401 OF THE PUBLIC SAFETY ARTICLE, SHALL ADOPT~~

26 ~~REGULATIONS NECESSARY TO CARRY OUT THE DUTIES OF THE COMMISSION UNDER~~

27 ~~§ 11-724 OF THIS SUBTITLE.~~

28 ~~**Article -- Public Safety**~~

29 ~~SUBTITLE 4. SEXUAL OFFENDER ADVISORY BOARD.~~

30 ~~1-401.~~

31 ~~(A) THERE IS A SEXUAL OFFENDER ADVISORY BOARD IN THE DEPARTMENT~~

32 ~~OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.~~

- 1 ~~(B)~~ ~~THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:~~
- 2 ~~(1)~~ ~~ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE~~
3 ~~PRESIDENT OF THE SENATE;~~
- 4 ~~(2)~~ ~~ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE~~
5 ~~SPEAKER OF THE HOUSE;~~
- 6 ~~(3)~~ ~~THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES,~~
7 ~~OR THE SECRETARY'S DESIGNEE;~~
- 8 ~~(4)~~ ~~THE DIRECTOR OF THE DIVISION OF PAROLE AND PROBATION, OR~~
9 ~~THE DIRECTOR'S DESIGNEE;~~
- 10 ~~(5)~~ ~~THE CHAIRMAN OF THE MARYLAND PAROLE COMMISSION, OR THE~~
11 ~~CHAIRMAN'S DESIGNEE;~~
- 12 ~~(6)~~ ~~THE EXECUTIVE DIRECTOR OF THE MENTAL HYGIENE~~
13 ~~ADMINISTRATION OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, OR THE~~
14 ~~EXECUTIVE DIRECTOR'S DESIGNEE;~~
- 15 ~~(7)~~ ~~THE SECRETARY OF STATE POLICE, OR THE SECRETARY'S DESIGNEE;~~
- 16 ~~(8)~~ ~~THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S DESIGNEE;~~
17 ~~AND~~
- 18 ~~(9)~~ ~~THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR:~~
- 19 ~~(I)~~ ~~A REPRESENTATIVE FROM A VICTIM'S ADVOCACY GROUP;~~
- 20 ~~(II)~~ ~~A HEALTH CARE PROFESSIONAL WITH EXPERTISE IN MENTAL~~
21 ~~DISORDERS;~~
- 22 ~~(III)~~ ~~A STATE'S ATTORNEY;~~
- 23 ~~(IV)~~ ~~A LAWYER WITH EXPERTISE IN CRIMINAL DEFENSE;~~
- 24 ~~(V)~~ ~~A SEXUAL OFFENDER TREATMENT PROVIDER;~~
- 25 ~~(VI)~~ ~~A POLYGRAPHER;~~
- 26 ~~(VII)~~ ~~A REPRESENTATIVE OF A LOCAL LAW ENFORCEMENT UNIT;~~
27 ~~AND~~
- 28 ~~(VIII)~~ ~~TWO CITIZEN MEMBERS.~~
- 29 ~~(C)~~ ~~(1)~~ ~~THE TERM OF A MEMBER APPOINTED BY THE GOVERNOR IS 4 YEARS.~~
- 30 ~~(2)~~ ~~THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS~~
31 ~~REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON THE~~

1 ~~EFFECTIVE DATE OF CHAPTER _____ (H.B. 2) OF THE ACTS OF THE GENERAL~~
2 ~~ASSEMBLY OF THE SPECIAL SESSION OF 2006.~~

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

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

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

10 ~~(D) A BOARD MEMBER:~~

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

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

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

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

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

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

22 ~~(G) THE BOARD SHALL:~~

23 ~~(1) REVIEW TECHNOLOGY FOR THE TRACKING OF OFFENDERS;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

26 ~~(1) One citizen member in 2008;~~

27 ~~(2) The member of the victim's advocacy group in 2008;~~

28 ~~(3) The health care professional with expertise in mental disorders in~~
29 ~~2009;~~

30 ~~(4) One citizen member in 2009;~~

31 ~~(5) The sexual offender treatment provider in 2008;~~

32 ~~(6) The lawyer with expertise in criminal defense in 2010;~~

33 ~~(7) The representative of a local law enforcement unit in 2010;~~

34 ~~(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.~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That the provisions of § 7-401(d)(3) of the Correctional Services Article shall be construed to apply only prospectively to violations of parole committed on or after the effective date of this Act.~~

Article - Correctional Services

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;

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

4 (7) hear cases of parole revocation; and

5 (8) if delegated by the Governor, hear cases involving an alleged violation
6 of a conditional pardon.

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

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

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

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

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

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

21 (2) administer oaths; and

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

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

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

30 (f) A witness who makes a false statement relating to a matter that is material
31 to the Commission's inquiry while testifying before the Commission is guilty of perjury
32 and on conviction is subject to the penalty of § 9-101 of the Criminal Law Article.

1 7-206.

2 The Commission shall:

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

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

8 (3) review and make recommendations to the Governor:

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

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

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

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

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

21 **Article - Criminal Law**

22 3-303.

23 (a) A person may not:

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

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

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

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

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

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

3 (b) A person may not violate subsection (a) of this section while also violating §
4 3-503(a)(2) of this title involving a victim who is a child under the age of 16 years.

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

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

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

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

18 (4) (1) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, A
19 PERSON 18 YEARS OF AGE OR OLDER WHO VIOLATES SUBSECTION (C) OF THIS
20 SECTION IS GUILTY OF THE FELONY OF RAPE IN THE FIRST DEGREE AND ON
21 CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 25 YEARS AND
22 NOT EXCEEDING LIFE WITHOUT THE POSSIBILITY OF PAROLE.

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

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

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

32 3-304.

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

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

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

1 defective individual, a mentally incapacitated individual, or a physically helpless
2 individual; or

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

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

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

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

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

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

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

24 3-305.

25 (a) A person may not:

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

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

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

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

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

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

3 (b) A person may not violate subsection (a) of this section while also violating §
4 3-503(a)(2) of this title involving a victim who is a child under the age of 16 years.

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

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

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

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

19 (4) (1) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, A
20 PERSON 18 YEARS OF AGE OR OLDER WHO VIOLATES SUBSECTION (C) OF THIS
21 SECTION IS GUILTY OF THE FELONY OF SEXUAL OFFENSE IN THE FIRST DEGREE
22 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 25 YEARS
23 AND NOT EXCEEDING LIFE WITHOUT THE POSSIBILITY OF PAROLE.

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

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

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

33 3-306.

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

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

36 (2) if the victim is a mentally defective individual, a mentally
37 incapacitated individual, or a physically helpless individual, and the person

1 performing the sexual act knows or reasonably should know that the victim is a
 2 mentally defective individual, a mentally incapacitated individual, or a physically
 3 helpless individual; or

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

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

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

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

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

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

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

25 **Article - Criminal Procedure**

26 10-215.

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

29 (1) the issuance or withdrawal of an arrest warrant;

30 (2) an arrest;

31 (3) the release of a person after arrest without the filing of a charge;

32 (4) the filing of a charging document;

33 (5) a release pending trial or an appeal;

34 (6) a commitment to an institution of pretrial detention;

- 1 (7) the dismissal of an indictment or criminal information;
- 2 (8) a nolle prosequi;
- 3 (9) the marking of a charge "stet" on the docket;
- 4 (10) an acquittal, conviction, verdict of not criminally responsible, or any
5 other disposition of a case at or following trial, including a finding of probation before
6 judgment;
- 7 (11) the imposition of a sentence;
- 8 (12) a commitment to a State correctional facility or local correctional
9 facility;
- 10 (13) a commitment to the Department of Health and Mental Hygiene under
11 § 3-105 or § 3-111 of this article as incompetent to stand trial or not criminally
12 responsible;
- 13 (14) a release from detention or confinement;
- 14 (15) a conditional release, revocation of conditional release, or discharge of
15 a person committed to the Department of Health and Mental Hygiene under § 3-105 or
16 § 3-111 of this article as incompetent to stand trial or not criminally responsible;
- 17 (16) an escape from confinement or commitment;
- 18 (17) a pardon, reprieve, commutation of a sentence, or other change in a
19 sentence, including a change in a sentence that a court orders;
- 20 (18) an entry of an appeal to an appellate court;
- 21 (19) a judgment of an appellate court;
- 22 (20) an order of a court in a collateral proceeding that affects a person's
23 conviction, sentence, or confinement;
- 24 (21) an adjudication of a child as delinquent:
- 25 (i) if the child is at least 14 years old, for an act described in §
26 3-8A-03(d)(1) of the Courts Article; or
- 27 (ii) if the child is at least 16 years old, for an act described in §
28 3-8A-03(d)(4) or (5) of the Courts Article;
- 29 (22) the issuance or withdrawal of a writ of attachment by a juvenile court;
30 [and]
- 31 (23) THE INITIAL REGISTRATION OF A PERSON UNDER TITLE 11,
32 SUBTITLE 7 OF THIS ARTICLE; AND

1 ~~[(23)]~~ (24) any other event arising out of or occurring during the course of a
 2 criminal proceeding that the Secretary by regulation or the Court of Appeals by rule
 3 makes a reportable event.

4 11-701.

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

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

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

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

9 (2) has been convicted of violating any of the provisions of the rape or
 10 sexual offense statutes under §§ 3-303 through 3-307 of the Criminal Law Article for
 11 a crime involving a child under the age of 15 years;

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

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

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

19 ~~[(b-1)]~~ (B-2) "Employment" means an occupation, job, or vocation that is full
 20 time or part time for a period exceeding 14 days or for an aggregate period exceeding
 21 30 days during a calendar year, whether financially compensated, volunteered, or for
 22 the purpose of government or educational benefit.

23 (B-3) "EXTENDED PAROLE SUPERVISION OFFENDER" MEANS A PERSON WHO:

24 (1) IS A SEXUALLY VIOLENT PREDATOR;

25 (2) HAS BEEN CONVICTED OF A VIOLATION OF § 3-303, § 3-304, § 3-305, §
 26 3-306(A)(1) OR (2), OR § 3-307(A)(1) OR (2) OF THE CRIMINAL LAW ARTICLE;

27 (3) HAS BEEN CONVICTED OF A VIOLATION OF § 3-309, § 3-310, OR § 3-311
 28 OF THE CRIMINAL LAW ARTICLE OR AN ATTEMPT TO COMMIT A VIOLATION OF §
 29 3-306(A)(1) OR (2) OF THE CRIMINAL LAW ARTICLE;

30 (4) HAS BEEN CONVICTED OF A VIOLATION OF § 3-602 OF THE CRIMINAL
 31 LAW ARTICLE FOR COMMISSION OF A SEXUAL ACT INVOLVING PENETRATION OF A
 32 CHILD UNDER THE AGE OF 12 YEARS; OR

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

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

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

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

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

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

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

14 (5) has been convicted of violating the child pornography statute under §
15 11-207 of the Criminal Law Article;

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

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

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

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

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

28 (2) "Release" means:

29 (i) release on parole;

30 (ii) mandatory supervision release;

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

33 (iv) work release;

34 (v) placement on home detention; and

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

3 (3) "Release" does not include:

4 (i) an escape; or

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

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

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

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

9 (g) "Sexually violent offense" means:

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

12 (2) assault with intent to commit rape in the first or second degree or a
13 sexual offense in the first or second degree as prohibited on or before September 30,
14 1996, under former Article 27, § 12 of the Code; or

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

18 (h) "Sexually violent predator" means:

19 (1) a person who:

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

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

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

25 (i) "Supervising authority" means:

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

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

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

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

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

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

11 (7) the Secretary, if the registrant is in the State under terms and
12 conditions of the Interstate Compact for Adult Offender Supervision, set forth in Title
13 6, Subtitle 2 of the Correctional Services Article, or the Interstate Corrections Compact,
14 set forth in Title 8, Subtitle 6 of the Correctional Services Article;

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

18 (9) the Secretary, if the registrant moves to this State from another state
19 where the registrant was required to register;

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

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

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

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

32 11-705.

33 (a) In this section, "resident" means a person who lives in this State when the
34 person:

35 (1) is released;

36 (2) is granted probation;

1 (3) is granted a suspended sentence; or

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

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

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

5 (i) is released;

6 (ii) is granted probation before judgment;

7 (iii) is granted probation after judgment;

8 (iv) is granted a suspended sentence; or

9 (v) receives a sentence that does not include a term of imprisonment;

10 (2) if the registrant moves into the State, within 7 days after the earlier of
11 the date that the registrant:

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

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

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

15 (i) begins employment in the State;

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

17 (iii) enters the State as a transient.

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

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

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

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

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

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

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

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

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

14 11-707.

15 (a) (1) (i) A child sexual offender shall register [annually in person, on or
16 before January 1,] IN PERSON EVERY 6 MONTHS with a local law enforcement unit for
17 the term provided under paragraph (4) of this subsection.

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

21 (2) (I) An offender and a sexually violent offender shall register
22 [annually, on or before January 1,] IN PERSON EVERY 6 MONTHS with [the
23 Department] A LOCAL LAW ENFORCEMENT UNIT [in accordance with § 11-711(a) of
24 this subtitle and] for the term provided under paragraph (4) of this subsection.

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

27 (3) (i) A sexually violent predator shall register in person every [90
28 days, on or before January 1, April 1, July 1, and October 1,] 3 MONTHS [in
29 accordance with § 11-711(b) of this subtitle and] for the term provided under
30 paragraph (4)(ii) of this subsection.

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

33 (4) The term of registration is:

34 (i) 10 years; or

35 (ii) life, if:

36 1. the registrant is a sexually violent predator;

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

5 (b) (1) As soon as possible but not later than 5 working days after receiving a
6 registration statement of a child sexual offender OR NOTICE OF A CHANGE OF
7 ADDRESS OF A CHILD SEXUAL OFFENDER, a local law enforcement unit shall send
8 written notice of the registration statement OR CHANGE OF ADDRESS to the county
9 superintendent, as defined in § 1-101 of the Education Article, AND ALL NONPUBLIC
10 PRIMARY AND SECONDARY SCHOOLS in the county WITHIN 1 MILE OF where the child
11 sexual offender is to reside or where a child sexual offender who is not a resident of the
12 State is a transient or will work or attend school.

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

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

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

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

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

27 (D) AS SOON AS POSSIBLE BUT NOT LATER THAN 5 WORKING DAYS AFTER
28 RECEIVING NOTICE FROM A LOCAL LAW ENFORCEMENT UNIT UNDER THIS SECTION,
29 A POLICE DEPARTMENT OF A MUNICIPAL CORPORATION SHALL SEND A COPY OF THE
30 NOTICE TO THE COMMANDER OF THE LOCAL POLICE PRECINCT OR DISTRICT IN
31 WHICH THE CHILD SEXUAL OFFENDER IS TO RESIDE OR WHERE A CHILD SEXUAL
32 OFFENDER WHO IS NOT A RESIDENT OF THE STATE WILL WORK OR ATTEND SCHOOL.

33 (E) AS SOON AS POSSIBLE BUT NOT LATER THAN 5 WORKING DAYS AFTER
34 RECEIVING A NOTICE FROM A SUPERVISING AUTHORITY UNDER THIS SUBTITLE, A
35 LOCAL LAW ENFORCEMENT UNIT SHALL SEND A COPY OF THE NOTICE TO THE
36 COMMANDER OF THE LAW ENFORCEMENT UNIT IN THE DISTRICT OR AREA IN WHICH
37 THE CHILD SEXUAL OFFENDER IS TO RESIDE OR WHERE A CHILD SEXUAL OFFENDER
38 WHO IS NOT A RESIDENT OF THE STATE WILL WORK OR ATTEND SCHOOL.

39 (F) A LOCAL LAW ENFORCEMENT UNIT MAY NOTIFY THE FOLLOWING
40 ENTITIES THAT ARE LOCATED WITHIN THE COMMUNITY IN WHICH A CHILD SEXUAL
41 OFFENDER IS TO RESIDE OR WHERE A CHILD SEXUAL OFFENDER WHO IS NOT A

1 RESIDENT OF THE STATE WILL WORK OR ATTEND SCHOOL OF THE FILING OF A
2 REGISTRATION STATEMENT OR NOTICE OF CHANGE OF ADDRESS BY THE CHILD
3 SEXUAL OFFENDER:

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

6 (2) CHILD RECREATION FACILITIES;

7 (3) FAITH INSTITUTIONS; AND

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

10 [11-711.

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

13 (2) The verification form may not be forwarded.

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

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

18 (2) The verification form may not be forwarded.

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

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

24 11-713.

25 The Department:

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

30 (2) shall keep a central registry of registrants;

31 (3) shall reimburse [supervising authorities] LOCAL LAW
32 ENFORCEMENT UNITS for the cost of processing the registration statements of
33 registrants, including the cost of taking fingerprints and photographs; and

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

3 11-717.

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

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

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

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

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

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

26 11-718.

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

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

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

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

3 (c) A local law enforcement unit and the Department may not release the
4 identity of a victim of a crime that requires registration under this subtitle.(d)A
5 disclosure under this section does not limit or prohibit any other disclosure allowed or
6 required under law.

7 11-721.

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

11 (b) A person who violates this section:

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

15 (2) FOR A SECOND OR SUBSEQUENT OFFENSE, IS GUILTY OF A FELONY
16 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A
17 FINE NOT EXCEEDING \$10,000 OR BOTH.

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

20 11-722.

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

23 (1) WHERE THE REGISTRANT IS A STUDENT OR THE REGISTRANT'S
24 CHILD IS A STUDENT OR RECEIVES CHILD CARE, IF:

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

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

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

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

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

3 (2) ON WHICH IS LOCATED:

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

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

8 (C) A PERSON WHO ENTERS INTO A CONTRACT WITH A COUNTY BOARD OF
9 EDUCATION OR A NONPUBLIC SCHOOL MAY NOT KNOWINGLY EMPLOY AN
10 INDIVIDUAL TO WORK AT A SCHOOL IF THE INDIVIDUAL IS A REGISTRANT.

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

14 11-723.

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

19 (B) THE TERM OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION FOR
20 A DEFENDANT SENTENCED ON OR AFTER AUGUST 1, 2006, SHALL:

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

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

24 11-724.

25 (A) THE MARYLAND PAROLE COMMISSION SHALL:

26 (1) ENTER INTO AND SIGN EXTENDED SEXUAL OFFENDER PAROLE
27 SUPERVISION AGREEMENTS WITH REGISTRANTS SENTENCED TO SUPERVISION
28 UNDER § 11-723 OF THIS SUBTITLE THAT SET OUT SPECIFIC CONDITIONS OF
29 SUPERVISION;

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

32 (3) IMPOSE SANCTIONS FOR EXTENDED SEXUAL OFFENDER PAROLE
33 SUPERVISION VIOLATIONS, INCLUDING ADDITIONAL RESTRICTIVE CONDITIONS.

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

1 (C) SPECIFIC CONDITIONS OF EXTENDED SEXUAL OFFENDER PAROLE
2 SUPERVISION SHALL COMMENCE UPON RELEASE OF THE EXTENDED PAROLE
3 SUPERVISION OFFENDER FROM INCARCERATION OR IMPOSITION OF PROBATION ON
4 THE EXTENDED PAROLE SUPERVISION OFFENDER AND MAY INCLUDE:

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

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

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

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

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

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

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

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

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

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

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

32 (4) A PETITION FOR DISCHARGE SHALL INCLUDE:

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

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

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

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

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

13 11-725.

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

19 (B) A SEXUAL OFFENDER MANAGEMENT TEAM:

20 (1) CONSISTS OF:

21 (I) A SPECIALLY TRAINED PAROLE AGENT; AND

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

24 (2) MAY INCLUDE:

25 (I) VICTIM ADVOCATES;

26 (II) FAITH COUNSELORS;

27 (III) EMPLOYMENT COUNSELORS;

28 (IV) COMMUNITY LEADERS; AND

29 (V) A POLYGRAPHER.

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

33 (2) UNLESS DISCLOSURE OF A REPORT WOULD BE IN VIOLATION OF
34 LAWS REGARDING CONFIDENTIALITY OF TREATMENT RECORDS, A SEXUAL

1 OFFENDER MANAGEMENT TEAM SHALL PROVIDE COPIES OF EACH PROGRESS
 2 REPORT TO LOCAL LAW ENFORCEMENT UNITS OF THE COUNTY IN WHICH THE
 3 REGISTRANT RESIDES OR WHERE A SEXUAL OFFENDER WHO IS NOT A RESIDENT OF
 4 THE STATE WILL WORK OR ATTEND SCHOOL.

5 11-726.

6 THE COMMISSION, WITH THE ADVICE OF THE SEXUAL OFFENDER ADVISORY
 7 BOARD ESTABLISHED UNDER § 1-401 OF THE PUBLIC SAFETY ARTICLE, SHALL ADOPT
 8 REGULATIONS NECESSARY TO CARRY OUT THE DUTIES OF THE COMMISSION UNDER
 9 § 11-724 OF THIS SUBTITLE.

10 Article - Public Safety

11 SUBTITLE 4. SEXUAL OFFENDER ADVISORY BOARD.

12 1-401.

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

15 (B) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:

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

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

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

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

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

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

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

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

31 (III) A STATE'S ATTORNEY;

32 (IV) A LAWYER WITH EXPERTISE IN CRIMINAL DEFENSE;

33 (V) A SEXUAL OFFENDER TREATMENT PROVIDER;

- 1 (VI) A POLYGRAPHER;
- 2 (VII) A REPRESENTATIVE OF A LOCAL LAW ENFORCEMENT UNIT;
- 3 AND
- 4 (VIII) TWO CITIZEN MEMBERS.
- 5 (C) (1) THE TERM OF A MEMBER APPOINTED BY THE GOVERNOR IS 4 YEARS.
- 6 (2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS
- 7 REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON THE
- 8 EFFECTIVE DATE OF CHAPTER _____ (H.B. 2) OF THE ACTS OF THE GENERAL
- 9 ASSEMBLY OF THE SPECIAL SESSION OF 2006.
- 10 (3) AT THE END OF A TERM AN APPOINTED MEMBER CONTINUES TO
- 11 SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.
- 12 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
- 13 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
- 14 QUALIFIES.
- 15 (5) A MEMBER WHOSE TERM HAS EXPIRED MAY BE REAPPOINTED TO
- 16 THE BOARD.
- 17 (D) A BOARD MEMBER:
- 18 (1) MAY NOT RECEIVE COMPENSATION FOR SERVING ON THE BOARD;
- 19 BUT
- 20 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
- 21 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.
- 22 (E) THE GOVERNOR SHALL SELECT A CHAIRMAN FROM AMONG THE BOARD'S
- 23 MEMBERS.
- 24 (F) (1) A MAJORITY OF THE BOARD'S MEMBERS CONSTITUTES A QUORUM.
- 25 (2) THE BOARD MAY ADOPT RULES FOR CONDUCTING BUSINESS.
- 26 (3) THE BOARD SHALL MEET AT LEAST TWICE ANNUALLY AT THE TIMES
- 27 AND PLACES DETERMINED BY THE BOARD.
- 28 (G) THE BOARD SHALL:
- 29 (1) REVIEW TECHNOLOGY FOR THE TRACKING OF OFFENDERS;
- 30 (2) REVIEW THE EFFECTIVENESS OF THE STATE'S LAWS CONCERNING
- 31 SEXUAL OFFENDERS;
- 32 (3) REVIEW THE LAWS OF OTHER STATES AND JURISDICTIONS
- 33 CONCERNING SEXUAL OFFENDERS;

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

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

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

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

10 (8) PROVIDE TRAINING FOR SEXUAL OFFENDER MANAGEMENT TEAMS.

11 (H) ON OR BEFORE DECEMBER 31, 2009, AND EVERY YEAR THEREAFTER, THE
12 BOARD SHALL REPORT THE FINDINGS AND RECOMMENDATIONS OF THE BOARD TO
13 THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT
14 ARTICLE, THE GENERAL ASSEMBLY.

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

17 (J) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
18 AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL PROVIDE STAFF
19 TO THE BOARD.

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

23 (1) One citizen member in 2008;

24 (2) The member of the victim's advocacy group in 2008;

25 (3) The health care professional with expertise in mental disorders in
26 2009;

27 (4) One citizen member in 2009;

28 (5) The sexual offender treatment provider in 2009;

29 (6) The lawyer with expertise in criminal defense in 2010;

30 (7) The representative of a local law enforcement unit in 2010;

31 (8) The State's Attorney in 2010; and

32 (9) The polygrapher in 2010.

1 SECTION ~~5-3~~ 3. AND BE IT FURTHER ENACTED, That this Act is an
2 emergency measure, is necessary for the immediate preservation of the public health
3 or safety, has been passed by a ye or nay vote supported by three-fifths of all the
4 members elected to each of the two Houses of the General Assembly, and shall take
5 effect from the date it is enacted.