

UNOFFICIAL COPY OF HOUSE BILL 2  
EMERGENCY BILL

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6lr0041  
CF 6lr0031

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By: **The Speaker (By Request - Administration)**

Introduced and read first time: June 14, 2006

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Sexual Offenders - Supervision, Notifications, and Penalties**

3 FOR the purpose of requiring the Maryland Parole Commission to administer certain  
4 extended sexual offender parole supervision; prohibiting certain inmates from  
5 receiving credit for time between certain releases and certain revocation of  
6 release; prohibiting certain sexual acts by certain persons involving children  
7 who are under a certain age; requiring a court to impose a certain sentence for  
8 certain offenses under certain circumstances; establishing certain penalties;  
9 providing that the jurisdiction of the District Court is concurrent with the  
10 jurisdiction of the circuit court in certain criminal cases involving registration of  
11 certain offenders; establishing that the initial registration of an individual  
12 relating to certain sexual offenses and offenses involving children is a reportable  
13 offense for certain criminal records purposes; requiring local law enforcement  
14 units to register certain offenders; altering the responsibilities of supervising  
15 authorities; establishing that all persons subject to certain registration  
16 requirements must register in person; altering the time periods relating to  
17 registration; requiring that certain registrations include a photograph that shall  
18 be updated at least once each year; repealing certain dates before which certain  
19 registrants are required to register; increasing the term of registration of certain  
20 registrants; requiring a certain supervising authority to obtain a DNA sample  
21 from a certain registrant under certain circumstances; altering certain time  
22 periods for certain notification requirements; requiring a local law enforcement  
23 unit to provide a certain notice to a certain county superintendent and certain  
24 nonpublic schools of a change of address of a certain sexual offender within a  
25 certain time period; requiring a local law enforcement unit to provide a certain  
26 notice to a certain police department of a certain change of address of a certain  
27 sexual offender within a certain time period; requiring a certain police  
28 department to provide a certain notice to a certain commander of a local police  
29 precinct or district within a certain time period; requiring a local law  
30 enforcement unit to send a copy of a certain notice to a certain commander of a  
31 local police precinct or district within a certain time period; authorizing a local  
32 law enforcement unit to send a certain notice to certain organizations that serve  
33 children and other individuals vulnerable to certain offenders; requiring certain  
34 registration statements to include a certain description of the crime that is the  
35 basis for the registration of a certain offender; requiring the Department of

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

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

16 BY repealing and reenacting, without amendments,  
17 Article - Correctional Services  
18 Section 7-205  
19 Annotated Code of Maryland  
20 (1999 Volume and 2005 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article - Correctional Services  
23 Section 7-206 and 7-401(d)  
24 Annotated Code of Maryland  
25 (1999 Volume and 2005 Supplement)

26 BY repealing and reenacting, with amendments,  
27 Article - Criminal Law  
28 Section 3-303 through 3-306 and 3-309 through 3-312  
29 Annotated Code of Maryland  
30 (2002 Volume and 2005 Supplement)

31 BY repealing and reenacting, with amendments,  
32 Article - Courts and Judicial Proceedings  
33 Section 4-301(b)(21) and (22) and 4-302(a) and (d)(1)  
34 Annotated Code of Maryland  
35 (2002 Replacement Volume and 2005 Supplement)

36 BY adding to  
37 Article - Courts and Judicial Proceedings  
38 Section 4-301(b)(23)  
39 Annotated Code of Maryland  
40 (2002 Replacement Volume and 2005 Supplement)

1 BY repealing and reenacting, with amendments,  
2 Article - Criminal Procedure  
3 Section 10-215(a), 11-701, 11-704, 11-705, 11-707, 11-708(b), 11-709, 11-713,  
4 11-717, 11-718, and 11-721  
5 Annotated Code of Maryland  
6 (2001 Volume and 2005 Supplement)

7 BY repealing  
8 Article - Criminal Procedure  
9 Section 11-711  
10 Annotated Code of Maryland  
11 (2001 Volume and 2005 Supplement)

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

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

10 (II) 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 **Article - Criminal Law**

25 3-303.

26 (a) A person may not:

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

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

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

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

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

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

7 (b) A person may not violate subsection (a) of this section while also violating  
8 § 3-503(a)(2) of this title involving a victim who is a child under the age of 16 years.

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

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

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

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

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

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

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

32 [(d)] (E) If the State intends to seek a sentence of imprisonment for life  
33 without the possibility of parole under subsection [(c)(2) or (3)] (D)(2), (3), OR (4) of this  
34 section, the State shall notify the person in writing of the State's intention at least 30  
35 days before trial.

36 3-304.

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

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

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

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

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

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

15 (2) (I) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS  
16 GUILTY OF THE FELONY OF RAPE IN THE SECOND DEGREE AND ON CONVICTION IS  
17 SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 15 YEARS AND NOT EXCEEDING  
18 LIFE.

19 (II) A COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY  
20 MINIMUM SENTENCE OF 15 YEARS.

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

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  
31 on 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 AT LEAST 18 YEARS OLD MAY NOT VIOLATE OR ATTEMPT TO  
6 VIOLATE SUBSECTION (A) OF THIS SECTION INVOLVING A VICTIM WHO IS UNDER THE  
7 AGE OF 13 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  
14 imprisonment 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) (I) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS  
20 GUILTY OF THE FELONY OF SEXUAL OFFENSE IN THE FIRST DEGREE AND ON  
21 CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 25 YEARS AND NOT  
22 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) EXCEPT AS PROVIDED IN § 4-305 OF THE CORRECTIONAL  
26 SERVICES ARTICLE, A PERSON SENTENCED UNDER THIS PARAGRAPH IS NOT  
27 ELIGIBLE FOR PAROLE IN LESS THAN 25 YEARS.

28 [(d)] (E) If the State intends to seek a sentence of imprisonment for life  
29 without the possibility of parole under subsection [(c)(2) or (3)] (D)(2), (3), OR (4) of this  
30 section, the State shall notify the person in writing of the State's intention at least 30  
31 days before trial.

32 3-306.

33 (a) A person may not engage in a sexual act 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 sexual act knows or reasonably should know that the victim is a

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

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

5 (B) A PERSON AT LEAST 18 YEARS OLD MAY NOT VIOLATE OR ATTEMPT TO  
6 VIOLATE THIS SECTION INVOLVING A VICTIM WHO IS A CHILD UNDER THE AGE OF 13  
7 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  
10 offense in the second degree and on conviction is subject to imprisonment not  
11 exceeding 20 years.

12 (2) (I) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS  
13 GUILTY OF THE FELONY OF SEXUAL OFFENSE IN THE SECOND DEGREE AND ON  
14 CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 15 YEARS AND NOT  
15 EXCEEDING LIFE.

16 (II) A COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY  
17 MINIMUM SENTENCE OF 15 YEARS.

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

21 3-309.

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

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

26 3-310.

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

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

31 3-311.

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

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

1 3-312.

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

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

6 **Article - Courts and Judicial Proceedings**

7 4-301.

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

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

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

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

15 4-302.

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

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

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

25 (ii) That is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9),  
26 (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), [and] (22), AND (23) of  
27 this subtitle.

28 **Article - Criminal Procedure**

29 10-215.

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

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

33 (2) an arrest;

- 1 (3) the release of a person after arrest without the filing of a charge;
- 2 (4) the filing of a charging document;
- 3 (5) a release pending trial or an appeal;
- 4 (6) a commitment to an institution of pretrial detention;
- 5 (7) the dismissal of an indictment or criminal information;
- 6 (8) a nolle prosequi;
- 7 (9) the marking of a charge "stet" on the docket;
- 8 (10) an acquittal, conviction, verdict of not criminally responsible, or any  
9 other disposition of a case at or following trial, including a finding of probation before  
10 judgment;
- 11 (11) the imposition of a sentence;
- 12 (12) a commitment to a State correctional facility or local correctional  
13 facility;
- 14 (13) a commitment to the Department of Health and Mental Hygiene  
15 under § 3-105 or § 3-111 of this article as incompetent to stand trial or not criminally  
16 responsible;
- 17 (14) a release from detention or confinement;
- 18 (15) a conditional release, revocation of conditional release, or discharge  
19 of a person committed to the Department of Health and Mental Hygiene under §  
20 3-105 or § 3-111 of this article as incompetent to stand trial or not criminally  
21 responsible;
- 22 (16) an escape from confinement or commitment;
- 23 (17) a pardon, reprieve, commutation of a sentence, or other change in a  
24 sentence, including a change in a sentence that a court orders;
- 25 (18) an entry of an appeal to an appellate court;
- 26 (19) a judgment of an appellate court;
- 27 (20) an order of a court in a collateral proceeding that affects a person's  
28 conviction, sentence, or confinement;
- 29 (21) an adjudication of a child as delinquent:
  - 30 (i) if the child is at least 14 years old, for an act described in §  
31 3-8A-03(d)(1) of the Courts Article; or

1 (ii) if the child is at least 16 years old, for an act described in §  
2 3-8A-03(d)(4) or (5) of the Courts Article;

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

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

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

10 11-701.

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

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

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

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

15 (2) has been convicted of violating any of the provisions of [the rape or  
16 sexual offense statutes under] §§ 3-303 through 3-307, §§ 3-309 THROUGH 3-312, §  
17 3-315, OR §§ 3-321 THROUGH 3-324 of the Criminal Law Article for a crime involving a  
18 child under the age of 15 years;

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

23 (4) 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) and (2) of this subsection.

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

27 [(b-1)] (B-2) "Employment" means an occupation, job, or vocation that is full  
28 time or part time for a period exceeding 14 days or for an aggregate period exceeding  
29 30 days during a calendar year, whether financially compensated, volunteered, or for  
30 the purpose of government or educational benefit.

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

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

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

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

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

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

9 (5) has been convicted of violating the child pornography statute under §  
10 11-207 of the Criminal Law Article;

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

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

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

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

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

23 (2) "Release" means:

24 (i) release on parole;

25 (ii) mandatory supervision release;

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

28 (iv) work release;

29 (v) placement on home detention; and

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

32 (3) "Release" does not include:

33 (i) an escape; or

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

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

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

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

5 (g) "Sexually violent offense" means:

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

8 (2) assault with intent to commit rape in the first or second degree or a  
9 sexual offense in the first or second degree as prohibited on or before September 30,  
10 1996, under former Article 27, § 12 of the Code; or

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

14 (h) "Sexually violent predator" means:

15 (1) a person who:

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

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

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

22 (i) "Supervising authority" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

27 11-704.

28 (a) A person shall register with the [person's supervising authority] LOCAL  
29 LAW ENFORCEMENT UNIT if the person is:

30 (1) a child sexual offender;

31 (2) an offender;

32 (3) a sexually violent offender;

33 (4) a sexually violent predator;

34 (5) a child sexual offender who, before moving into this State, was  
35 required to register in another state or by a federal, military, or Native American  
36 tribal court for a crime that occurred before October 1, 1995;

1 (6) an offender, sexually violent offender, or sexually violent predator  
2 who, before moving into this State, was required to register in another state or by a  
3 federal, military, or Native American tribal court for a crime that occurred before July  
4 1, 1997; or

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

8 (i) to carry on employment;

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

12 (iii) as a transient.

13 11-705.

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

16 (1) is released;

17 (2) is granted probation;

18 (3) is granted a suspended sentence; or

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

20 (B) A SUPERVISING AUTHORITY SHALL:

21 (1) OBTAIN FROM A REGISTRANT THE INFORMATION REQUIRED UNDER  
22 § 11-706 OF THIS SUBTITLE;

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

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

30 [(b)] (C) A registrant shall register [with the supervising authority] IN  
31 PERSON:

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

34 (i) is released;

**19 UNOFFICIAL COPY OF HOUSE BILL 2**

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

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

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

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

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

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

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

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

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

30 (2) Within 7 days after registering with the supervising authority, a child  
31 sexual offender who is not a resident and has entered the State under § 11-704(a)(7)

1 of this subtitle shall also register in person with the local law enforcement unit of the  
2 county where the child sexual offender is a transient or will work or attend school.]

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

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

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

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

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

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

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

25 11-707.

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

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

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

35                           (II)    A PERSON MAY REGISTER UP TO 30 DAYS BEFORE THE DATE ON  
36 WHICH REGISTRATION IS REQUIRED UNDER SUBPARAGRAPH (I) OF THIS  
37 PARAGRAPH.

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

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

10 (II) A PERSON MAY REGISTER UP TO 30 DAYS BEFORE THE DATE ON  
11 WHICH REGISTRATION IS REQUIRED UNDER SUBPARAGRAPH (I) OF THIS  
12 PARAGRAPH.

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

15 (4) The term of registration is:

16 (i) 10 years; or

17 (ii) life, if:

18 1. the registrant is a sexually violent predator;

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

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

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

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

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

31 [(5)] (D) A registrant who is not a resident of the State shall register for  
32 the 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) Each year within 5 days after a child sexual offender completes the  
17 registration requirements of § 11-707(a) of this subtitle, a local law enforcement unit  
18 shall send notice of the child sexual offender's annual registration, including the  
19 photograph, to the Department.

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

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

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

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

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

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

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

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

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

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

27 (2) CHILD RECREATION FACILITIES;

28 (3) FAITH INSTITUTIONS; AND

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

31 [11-711.

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

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

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

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

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

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

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

9 11-713.

10 The Department:

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

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

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

19 11-717.

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

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

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

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

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

7 [(c)] (E) The Department shall establish regulations to carry out this section.  
8 11-718.

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

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

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

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

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

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

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

32 11-721.

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

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

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

3 11-722.

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

6 (1) WHERE THE REGISTRANT IS A STUDENT OR THE REGISTRANT'S  
7 CHILD IS A STUDENT OR RECEIVES CHILD CARE, IF:

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

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

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

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

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

22 (2) ON WHICH IS LOCATED:

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

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

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

30 11-723.

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

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

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

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

12 (II) ENGAGING IN A SEXUAL ACT WITH ANOTHER IF THE VICTIM IS  
13 14 OR 15 YEARS OLD, AND THE PERSON PERFORMING THE SEXUAL ACT IS AT LEAST 21  
14 YEARS OLD; OR

15 (III) ENGAGING IN VAGINAL INTERCOURSE WITH ANOTHER IF THE  
16 VICTIM IS 14 OR 15 YEARS OLD, AND THE PERSON PERFORMING THE ACT IS AT LEAST  
17 21 YEARS OLD.

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

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

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

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

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

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

30 11-724.

31 (A) THE MARYLAND PAROLE COMMISSION SHALL:

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

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

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

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

7 (3) IMPOSE SANCTIONS FOR EXTENDED SEXUAL OFFENDER PAROLE  
8 SUPERVISION VIOLATIONS.

9 (B) IN ADDITION TO ANY OTHER CONDITIONS OF RELEASE, SPECIFIC  
10 CONDITIONS OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION MAY  
11 INCLUDE:

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

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

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

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

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

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

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

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

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

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

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

6 (4) A PETITION FOR DISCHARGE SHALL INCLUDE:

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

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

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

16 (D) THE COMMISSION SHALL HAVE ALL OF THE POWERS SET FORTH IN §§  
17 7-205 AND 7-206 OF THE CORRECTIONAL SERVICES ARTICLE FOR THE PURPOSE OF  
18 CARRYING OUT THE DUTIES OF THE COMMISSION UNDER THIS SUBTITLE.

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

22 (F) PARTICIPATION IN A CERTIFIED SEXUAL OFFENDER TREATMENT  
23 PROGRAM SHALL NOT PROHIBIT A CONVICTED INDIVIDUAL FROM CONTINUING TO  
24 MAINTAIN A CONSISTENTLY PROCLAIMED INNOCENCE.

25 (G) THE COMMISSION SHALL, BY REGULATION, ESTABLISH  
26 CONSTITUTIONALLY COMPLIANT NOTICE AND HEARING PROCEDURES APPLICABLE  
27 TO THE IMPOSITION OF SANCTIONS FOR EXTENDED SEXUAL OFFENDER PAROLE  
28 SUPERVISION VIOLATIONS AND PETITIONS FOR DISCHARGE FROM EXTENDED  
29 SEXUAL OFFENDER PAROLE SUPERVISION.

30 11-725.

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

36 (B) A SEXUAL OFFENDER MANAGEMENT TEAM:

37 (1) CONSISTS OF:

1 (I) A SPECIALLY TRAINED PAROLE AND PROBATION AGENT;

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

4 (III) A LAW ENFORCEMENT REPRESENTATIVE; AND

5 (2) MAY INCLUDE:

6 (I) VICTIM ADVOCATES;

7 (II) FAITH COUNSELORS;

8 (III) EMPLOYMENT COUNSELORS;

9 (IV) COMMUNITY LEADERS;

10 (V) A POLYGRAPHER; AND

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

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

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

21 11-726.

22 THE COMMISSION, WITH THE ADVICE OF THE SEXUAL OFFENDER ADVISORY  
23 BOARD ESTABLISHED UNDER § 1-401 OF THE PUBLIC SAFETY ARTICLE, SHALL ADOPT  
24 REGULATIONS NECESSARY TO CARRY OUT THE DUTIES OF THE COMMISSION UNDER  
25 § 11-724 OF THIS SUBTITLE.

26 **Article - Public Safety**

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

28 1-401.

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (III) A STATE'S ATTORNEY;

22 (IV) A LAWYER WITH EXPERTISE IN CRIMINAL DEFENSE;

23 (V) A SEXUAL OFFENDER TREATMENT PROVIDER;

24 (VI) A POLYGRAPHER;

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

27 (VIII) TWO CITIZEN MEMBERS.

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

29 (2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS  
30 REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON THE  
31 EFFECTIVE DATE OF CHAPTER \_\_\_ (SB \_\_\_)(LR0031) OF THE ACTS OF THE GENERAL  
32 ASSEMBLY OF THE SPECIAL SESSION OF 2006.

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

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

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

8 (D) A BOARD MEMBER:

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

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

13 (E) THE GOVERNOR SHALL SELECT THE CHAIR FROM AMONG THE BOARD'S  
14 MEMBERS.

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

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

18 (3) THE BOARD SHALL MEET AT LEAST FOUR TIMES ANNUALLY AT THE  
19 TIMES AND PLACES IT DETERMINES.

20 (G) THE BOARD SHALL:

21 (1) REVIEW TECHNOLOGY FOR THE TRACKING OF OFFENDERS;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 SECTION 3. AND BE IT FURTHER ENACTED, That, if a registrant who was  
33 required to register before the effective date of this Act, has not submitted a DNA  
34 sample, as defined in § 2-501 of the Public Safety Article, for inclusion in the

1 statewide DNA database system of the Department of State Police Crime Laboratory,  
2 a supervising authority at the next registration of the registrant shall:

3           (1)     Obtain a DNA sample from the registrant; and

4           (2)     Provide the sample to the statewide DNA database system of the  
5 Department of State Police Crime Laboratory.

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

10    SECTION 5. AND BE IT FURTHER ENACTED, That this Act is an emergency  
11 measure, is necessary for the immediate preservation of the public health or safety,  
12 has been passed by a ye or nay vote supported by three-fifths of all the members  
13 elected to each of the two Houses of the General Assembly, and shall take effect from  
14 the date it is enacted.