

UNOFFICIAL COPY OF HOUSE BILL 2
EMERGENCY BILL

E2

61r0041
CF 61r0031

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

Introduced and read first time: June 14, 2006

Assigned to: Judiciary

Rules suspended

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: June 14, 2006

CHAPTER _____

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

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

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

42 ~~BY repealing and reenacting, without amendments,~~
43 ~~Article – Correctional Services~~
44 ~~Section 7-205~~
45 ~~Annotated Code of Maryland~~
46 ~~(1999 Volume and 2005 Supplement)~~

- 1 ~~BY repealing and reenacting, with amendments,~~
- 2 ~~Article—Correctional Services~~
- 3 ~~Section 7-206 and 7-401(d)~~
- 4 ~~Annotated Code of Maryland~~
- 5 ~~(1999 Volume and 2005 Supplement)~~

- 6 ~~BY repealing and reenacting, with amendments,~~
- 7 ~~Article—Criminal Law~~
- 8 ~~Section 3-303 through 3-306 and 3-309 through 3-312~~
- 9 ~~Annotated Code of Maryland~~
- 10 ~~(2002 Volume and 2005 Supplement)~~

- 11 ~~BY repealing and reenacting, with amendments,~~
- 12 ~~Article—Courts and Judicial Proceedings~~
- 13 ~~Section 4-301(b)(21) and (22) and 4-302(a) and (d)(1)~~
- 14 ~~Annotated Code of Maryland~~
- 15 ~~(2002 Replacement Volume and 2005 Supplement)~~

- 16 ~~BY adding to~~
- 17 ~~Article—Courts and Judicial Proceedings~~
- 18 ~~Section 4-301(b)(23)~~
- 19 ~~Annotated Code of Maryland~~
- 20 ~~(2002 Replacement Volume and 2005 Supplement)~~

- 21 ~~BY repealing and reenacting, with amendments,~~
- 22 ~~Article—Criminal Procedure~~
- 23 ~~Section 10-215(a), 11-701, 11-704, 11-705, 11-707, 11-708(b), 11-709, 11-713,~~
- 24 ~~11-717, 11-718, and 11-721~~
- 25 ~~Annotated Code of Maryland~~
- 26 ~~(2001 Volume and 2005 Supplement)~~

- 27 ~~BY repealing~~
- 28 ~~Article—Criminal Procedure~~
- 29 ~~Section 11-711~~
- 30 ~~Annotated Code of Maryland~~
- 31 ~~(2001 Volume and 2005 Supplement)~~

- 32 ~~BY adding to~~
- 33 ~~Article—Criminal Procedure~~
- 34 ~~Section 11-722 through 11-726~~
- 35 ~~Annotated Code of Maryland~~
- 36 ~~(2001 Volume and 2005 Supplement)~~

1 ~~BY adding to~~
2 ~~Article — Public Safety~~
3 ~~Section 1-401 to be under the new subtitle "Subtitle 4. Sexual Offender Advisory~~
4 ~~Board"~~
5 ~~Annotated Code of Maryland~~
6 ~~(2003 Volume and 2005 Supplement)~~
7 FOR the purpose of authorizing the Maryland Parole Commission to administer
8 certain extended sexual offender parole supervision; prohibiting certain sexual
9 acts involving children who are under a certain age; requiring a court to impose
10 a certain sentence for certain offenses under certain circumstances; establishing
11 certain penalties; requiring the State to provide certain notice under certain
12 circumstances; providing that certain sentences shall not apply under certain
13 circumstances; prohibiting the Commission from granting credit for time
14 between release on parole and revocation of parole for certain sexual offenders
15 under certain circumstances; providing that the jurisdiction of the District
16 Court is concurrent with the jurisdiction of the circuit court in certain criminal
17 cases involving registration of certain offenders; establishing that the initial
18 registration of an individual relating to certain sexual offenses and offenses
19 involving children is a reportable offense for certain criminal records purposes;
20 establishing that all persons subject to certain registration requirements must
21 register in person every 3 months; requiring that certain registrations include a
22 photograph that shall be updated at least once each year; repealing certain
23 dates before which certain registrants are required to register; increasing the
24 term of registration of certain registrants; requiring a certain supervising
25 authority to obtain a DNA sample from a certain registrant under certain
26 circumstances; altering certain time periods for certain notification
27 requirements; requiring a local law enforcement unit to provide a certain notice
28 to a certain county superintendent and certain nonpublic schools of a change of
29 address of a certain sexual offender within a certain time period; requiring a
30 local law enforcement unit to provide a certain notice to a certain police
31 department of a certain change of address of a certain sexual offender within a
32 certain time period; requiring a certain police department to provide a certain
33 notice to a certain commander of a local police precinct or district within a
34 certain time period; requiring a local law enforcement unit to send a copy of a
35 certain notice to a certain commander of a local police precinct or district within
36 a certain time period; authorizing a local law enforcement unit to send a certain
37 notice to certain organizations that serve children and other individuals
38 vulnerable to certain offenders; repealing the requirement that the Department
39 of Public Safety and Correctional Services annually mail a certain verification
40 form; repealing the requirement that a local law enforcement unit mail a certain
41 verification form every 90 days; requiring the Department to reimburse a local
42 law enforcement unit for the costs of certain community notification; requiring
43 certain registration statements to include a certain description of the crime that
44 is the basis for the registration of a certain offender; requiring the Department,
45 through a certain Internet posting of current registrants, to allow the public to
46 electronically transmit certain information to the Department, to certain parole
47 and probation agents, and to local law enforcement units; requiring the

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

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

12 BY repealing and reenacting, without amendments,

13 Article - Correctional Services
14 Section 7-205
15 Annotated Code of Maryland
16 (1999 Volume and 2005 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article - Correctional Services
19 Section 7-206 and 7-401(d)
20 Annotated Code of Maryland
21 (1999 Volume and 2005 Supplement)

22 BY repealing and reenacting, with amendments,

23 Article - Courts and Judicial Proceedings
24 Section 4-301(b)(21) and (22) and 4-302(a) and (d)(1)
25 Annotated Code of Maryland
26 (2002 Replacement Volume and 2005 Supplement)

27 BY adding to

28 Article - Courts and Judicial Proceedings
29 Section 4-301(b)(23)
30 Annotated Code of Maryland
31 (2002 Replacement Volume and 2005 Supplement)

32 BY repealing and reenacting, with amendments,

33 Article - Criminal Law
34 Section 3-303 through 3-306 and 3-309 through 3-312
35 Annotated Code of Maryland
36 (2002 Volume and 2005 Supplement)

37 BY repealing and reenacting, with amendments,

38 Article - Criminal Procedure
39 Section 10-215(a), 11-701, 11-707, 11-708(b), 11-709, 11-713, 11-717, 11-718,

1 and 11-721
 2 Annotated Code of Maryland
 3 (2001 Volume and 2005 Supplement)

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

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

14 BY adding to
 15 Article - Public Safety
 16 Section 1-401 to be under the new subtitle "Subtitle 4. Sexual Offender
 17 Advisory Board"
 18 Annotated Code of Maryland
 19 (2003 Volume and 2005 Supplement)

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

22 **Article - Correctional Services**

23 7-205.

24 (a) The Commission has the exclusive power to:

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

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

29 (3) hear cases for parole in which:

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

32 (ii) the inmate was convicted of a homicide;

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

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

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

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

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

10 (7) hear cases of parole revocation; and

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

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

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

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

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

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

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

28 (2) administer oaths; and

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

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

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

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

5 7-206.

6 The Commission shall:

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

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

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

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

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

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

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

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

25 ~~7-401.~~

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

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

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

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

1 (3) (4) IN THIS PARAGRAPH, "PAROLE" INCLUDES EXTENDED SEXUAL
2 OFFENDER PAROLE SUPERVISION UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL
3 PROCEDURE ARTICLE.

4 (II) AN INMATE MAY NOT RECEIVE CREDIT FOR TIME BETWEEN
5 RELEASE ON PAROLE OR MANDATORY SUPERVISION AND REVOCATION OF PAROLE
6 OR MANDATORY SUPERVISION IF:

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

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

13 A. A VIOLENT CRIME;

14 B. A VIOLATION OF § 3-307, § 3-308, § 3-315, §§ 3-321 THROUGH
15 3-324, OR § 3-602 OF THE CRIMINAL LAW ARTICLE; OR

16 C. A VIOLATION OF § 11-721 OR § 11-722 OF THE CRIMINAL
17 PROCEDURE ARTICLE.

18 7-401.

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

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

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

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

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

32 (I) THE INMATE WAS SERVING A SENTENCE FOR A VIOLATION OF
33 §§ 3-303 THROUGH 3-307, §§ 3-309 THROUGH 3-312, § 3-315, OR § 3-602 OF THE
34 CRIMINAL LAW ARTICLE WHEN PAROLE WAS REVOKED; AND

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

- 1 1. COMMITTED A VIOLENT CRIME WHILE ON PAROLE;
 2 2. COMMITTED A VIOLATION OF § 3-307, § 3-308, § 3-315, §§
 3 3-321 THROUGH 3-324, OR § 3-602 OF THE CRIMINAL LAW ARTICLE; OR
 4 3. COMMITTED A VIOLATION OF § 11-721 OR § 11-722 OF THE
 5 CRIMINAL PROCEDURE ARTICLE.

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 Law**

29 3-303.

30 (a) A person may not:

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

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

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

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

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

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

11 (b) A person may not violate subsection (a) of this section while also violating
12 § 3-503(a)(2) of this title involving a victim who is a child under the age of 16 years.

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

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

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

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

27 (4) (I) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, A
28 PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS GUILTY OF THE
29 FELONY OF RAPE IN THE FIRST DEGREE AND ON CONVICTION IS SUBJECT TO
30 IMPRISONMENT FOR NOT LESS THAN 25 YEARS AND NOT EXCEEDING LIFE WITHOUT
31 THE POSSIBILITY OF PAROLE.

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

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

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

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

8 3-304.

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

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

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

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

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

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

24 (2) (I) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, A
 25 PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF THE
 26 FELONY OF RAPE IN THE SECOND DEGREE AND ON CONVICTION IS SUBJECT TO
 27 IMPRISONMENT FOR NOT LESS THAN 45 5 YEARS AND NOT EXCEEDING LIFE 20
 28 YEARS.

29 (II) A COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY
 30 MINIMUM SENTENCE OF 45 5 YEARS.

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

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

36 (D) IF THE STATE INTENDS TO SEEK A SENTENCE OF IMPRISONMENT FOR
 37 NOT LESS THAN 5 YEARS UNDER SUBSECTION (C)(2) OF THIS SECTION, THE STATE

1 SHALL NOTIFY THE PERSON IN WRITING OF THE STATE'S INTENTION AT LEAST 30
2 DAYS BEFORE TRIAL.

3 3-305.

4 (a) A person may not:

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

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

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

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

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

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

17 (b) A person may not violate subsection (a) of this section while also violating
18 § 3-503(a)(2) of this title involving a victim who is a child under the age of 16 years.

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

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

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

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

33 (4) (I) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, A
34 PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS GUILTY OF THE
35 FELONY OF SEXUAL OFFENSE IN THE FIRST DEGREE AND ON CONVICTION IS

1 SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 25 YEARS AND NOT EXCEEDING
2 LIFE WITHOUT THE POSSIBILITY OF PAROLE.

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

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

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

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

15 3-306.

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

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

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

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

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

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

32 (2) (I) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, A
33 PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF THE
34 FELONY OF SEXUAL OFFENSE IN THE SECOND DEGREE AND ON CONVICTION IS
35 SUBJECT TO IMPRISONMENT FOR NOT LESS THAN ~~45~~ 5 YEARS AND NOT EXCEEDING
36 ~~LIFE~~ 20 YEARS.

1 (II) A COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY
2 MINIMUM SENTENCE OF ~~4~~ 5 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 15 YEARS.~~

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

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

12 3-309.

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

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

17 3-310.

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

19 (b) [A] SUBJECT TO THE PROVISIONS OF § 3-304 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 20 years.

22 3-311.

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

24 (b) [A] SUBJECT TO THE PROVISIONS OF § 3-305 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 life.

27 3-312.

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

29 (b) [A] SUBJECT TO THE PROVISIONS OF § 3-306 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 20 years.

1

Article—Courts and Judicial Proceedings2 ~~4-301.~~

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

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

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

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

10 ~~4-302.~~

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

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

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

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

23

Article—Criminal Procedure24 ~~10-215.~~

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

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

28 (2) an arrest;

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

30 (4) the filing of a charging document;

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

32 (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
11 under § 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
15 of a person committed to the Department of Health and Mental Hygiene under §
16 3-105 or § 3-111 of this article as incompetent to stand trial or not criminally
17 responsible;
- 18 (16) an escape from confinement or commitment;
- 19 (17) a pardon, reprieve, commutation of a sentence, or other change in a
20 sentence, including a change in a sentence that a court orders;
- 21 (18) an entry of an appeal to an appellate court;
- 22 (19) a judgment of an appellate court;
- 23 (20) an order of a court in a collateral proceeding that affects a person's
24 conviction, sentence, or confinement;
- 25 (21) an adjudication of a child as delinquent:
- 26 (i) if the child is at least 14 years old, for an act described in §
27 3-8A-03(d)(1) of the Courts Article; or
- 28 (ii) if the child is at least 16 years old, for an act described in §
29 3-8A-03(d)(4) or (5) of the Courts Article;
- 30 (22) the issuance or withdrawal of a writ of attachment by a juvenile
31 court; [and]
- 32 (23) THE INITIAL REGISTRATION OF A PERSON UNDER TITLE 11,
33 SUBTITLE 7 OF THIS ARTICLE; AND

1 ~~[(23)]~~ (24) any other event arising out of or occurring during the course of
 2 a 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, §§ 3-309 THROUGH 3-312, §~~
 11 ~~3-315, OR §§ 3-321 THROUGH 3-324 of the Criminal Law Article for a crime involving a~~
 12 ~~child under the age of 15 years;~~

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

17 ~~(4) 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) and (2) of this subsection.~~

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

21 ~~[(b-1)]~~ ~~(B-2) "Employment" means an occupation, job, or vocation that is full~~
 22 ~~time or part time for a period exceeding 14 days or for an aggregate period exceeding~~
 23 ~~30 days during a calendar year, whether financially compensated, volunteered, or for~~
 24 ~~the purpose of government or educational benefit.~~

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

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

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

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

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

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

3 (5) has been convicted of violating the child pornography statute under §
4 11-207 of the Criminal Law Article;

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

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

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

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

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

17 (2) "Release" means:

18 (i) release on parole;

19 (ii) mandatory supervision release;

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

22 (iv) work release;

23 (v) placement on home detention; and

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

26 (3) "Release" does not include:

27 (i) an escape; or

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

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

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

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

1 (g) "Sexually violent offense" means:

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

4 (2) assault with intent to commit rape in the first or second degree or a
5 sexual offense in the first or second degree as prohibited on or before September 30,
6 1996, under former Article 27, § 12 of the Code; or

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

10 (h) "Sexually violent predator" means:

11 (1) a person who:

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

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

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

18 (i) "Supervising authority" means:

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

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

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

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

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

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

34 (7) the Secretary, if the registrant is in the State under terms and
35 conditions of the Interstate Compact for Adult Offender Supervision, set forth in Title

1 ~~6, Subtitle 2 of the Correctional Services Article, or the Interstate Corrections~~
 2 ~~Compact, set forth in Title 8, Subtitle 6 of the Correctional Services Article;~~

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

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

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

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

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

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

20 ~~11-704.~~

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

23 (1) a child sexual offender;

24 (2) an offender;

25 (3) a sexually violent offender;

26 (4) a sexually violent predator;

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

30 (6) an offender, sexually violent offender, or sexually violent predator
 31 who, before moving into this State, was required to register in another state or by a
 32 federal, military, or Native American tribal court for a crime that occurred before July
 33 1, 1997; or

34 (7) a child sexual offender, offender, sexually violent offender, or sexually
 35 violent predator who is required to register in another state, who is not a resident of
 36 this State, and who enters this State;

- 1 (i) to carry on employment;
- 2 (ii) to attend a public or private educational institution, including a
3 secondary school, trade or professional institution, or institution of higher education,
4 as a full-time or part-time student; or
- 5 (iii) as a transient.

6 ~~11-705.~~

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

- 9 (1) is released;
- 10 (2) is granted probation;
- 11 (3) is granted a suspended sentence; or
- 12 (4) receives a sentence that does not include a term of imprisonment.

13 ~~(B) A SUPERVISING AUTHORITY SHALL:~~

14 (1) OBTAIN FROM A REGISTRANT THE INFORMATION REQUIRED UNDER
15 ~~§ 11-706 OF THIS SUBTITLE;~~

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

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

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

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

- 27 (i) is released;
- 28 (ii) is granted probation before judgment;
- 29 (iii) is granted probation after judgment;
- 30 (iv) is granted a suspended sentence; or
- 31 (v) receives a sentence that does not include a term of
32 imprisonment;

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

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

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

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

6 (i) begins employment in the State;

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

8 (iii) enters the State as a transient.

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

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

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

17 (I) REGISTERS AS A STUDENT IN THE STATE; OR

18 (II) IS EMPLOYED IN THE STATE.

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

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

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

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

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

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

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

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

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

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

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

18 ~~11-707.~~

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

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

25 ~~(B)~~ (1) (1) A SEXUALLY VIOLENT OFFENDER AND AN OFFENDER SHALL
26 REGISTER EVERY 6 MONTHS FROM THE DATE THE SEXUALLY VIOLENT OFFENDER
27 OR THE OFFENDER WAS ORIGINALLY REQUIRED TO REGISTER.

28 (H) A PERSON MAY REGISTER UP TO 30 DAYS BEFORE THE DATE ON
29 WHICH REGISTRATION IS REQUIRED UNDER SUBPARAGRAPH (1) OF THIS
30 PARAGRAPH.

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

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

1 (H) A PERSON MAY REGISTER UP TO 30 DAYS BEFORE THE DATE ON
 2 WHICH REGISTRATION IS REQUIRED UNDER SUBPARAGRAPH (I) OF THIS
 3 PARAGRAPH.

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

6 (4) The term of registration is:

7 (i) 10 years; or

8 (ii) life, if:

9 1. the registrant is a sexually violent predator;

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

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

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

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

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

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

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

26 (1) the last date of release;

27 (2) the date granted probation; or

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

29 11-708.

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

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

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

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

9 11-709.

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

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

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

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

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

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

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

36 (D) AS SOON AS POSSIBLE BUT NOT LATER THAN 10 WORKING DAYS AFTER
37 RECEIVING NOTICE FROM A LOCAL LAW ENFORCEMENT UNIT UNDER THIS SECTION,
38 A POLICE DEPARTMENT OF A MUNICIPAL CORPORATION SHALL SEND A COPY OF THE
39 NOTICE TO THE COMMANDER OF THE LOCAL POLICE PRECINCT OR DISTRICT IN

~~1 WHICH THE CHILD SEXUAL OFFENDER IS TO RESIDE OR WHERE A CHILD SEXUAL
2 OFFENDER WHO IS NOT A RESIDENT OF THE STATE IS A TRANSIENT OR WILL WORK
3 OR ATTEND SCHOOL.~~

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

~~11 (F) A LOCAL LAW ENFORCEMENT UNIT MAY NOTIFY THE FOLLOWING
12 ENTITIES THAT ARE LOCATED WITHIN THE COMMUNITY IN WHICH A CHILD SEXUAL
13 OFFENDER IS TO RESIDE OR WHERE A CHILD SEXUAL OFFENDER WHO IS NOT A
14 RESIDENT OF THE STATE IS A TRANSIENT OR WILL WORK OR ATTEND SCHOOL OF
15 THE FILING OF A REGISTRATION STATEMENT OR NOTICE OF CHANGE OF ADDRESS
16 BY THE CHILD SEXUAL OFFENDER:~~

~~17 (1) FAMILY DAY CARE HOMES OR CHILD CARE CENTERS REGISTERED OR
18 LICENSED UNDER TITLE 5, SUBTITLE 5 OF THE FAMILY LAW ARTICLE;~~

~~19 (2) CHILD RECREATION FACILITIES;~~

~~20 (3) FAITH INSTITUTIONS; AND~~

~~21 (4) OTHER ORGANIZATIONS THAT SERVE CHILDREN AND OTHER
22 INDIVIDUALS VULNERABLE TO CHILD SEXUAL OFFENDERS.~~

~~23 [11-711.~~

~~24 (a) (1) The Department shall mail annually a verification form to the last
25 reported address of each offender and sexually violent offender.~~

~~26 (2) The verification form may not be forwarded.~~

~~27 (3) Within 10 days after receiving the verification form, the offender or
28 sexually violent offender shall sign the verification form and mail it to the
29 Department.~~

~~30 (b) (1) A local law enforcement unit shall mail a verification form every 90
31 days to the last reported address of a sexually violent predator.~~

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

~~33 (3) Within 10 days after receiving the verification form, the sexually
34 violent predator shall sign the form and mail it to the local law enforcement unit.~~

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

4 ~~11-713.~~

5 The Department:

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

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

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

14 ~~11-717.~~

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

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

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

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

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

37 ~~(e)~~ (e) The Department shall establish regulations to carry out this section.

1 ~~11-718.~~

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

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

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

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

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

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

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

25 ~~11-721.~~

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

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

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

34 ~~11-722.~~

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

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

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

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

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

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

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

17 (2) ON WHICH IS LOCATED:

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

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

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

25 11-723.

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

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

34 (2) THE SENTENCING JUDGE SHALL HAVE DISCRETION TO IMPOSE A
35 TERM OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION IN THE CASE OF A
36 DEFENDANT WHO IS REQUIRED TO REGISTER AS A SEXUAL OFFENDER BECAUSE THE

~~1 DEFENDANT HAS BEEN CONVICTED ONCE FOR THIRD DEGREE SEXUAL OFFENSE,
2 BASED UPON THE DEFENDANT'S VIOLATION OF THE PROHIBITION AGAINST:~~

~~3 (I) ENGAGING IN SEXUAL CONTACT WITH ANOTHER IF THE VICTIM
4 IS UNDER THE AGE OF 14 YEARS, AND THE PERSON PERFORMING THE SEXUAL
5 CONTACT IS AT LEAST 4 YEARS OLDER THAN THE VICTIM;~~

~~6 (II) ENGAGING IN A SEXUAL ACT WITH ANOTHER IF THE VICTIM IS
7 14 OR 15 YEARS OLD, AND THE PERSON PERFORMING THE SEXUAL ACT IS AT LEAST 21
8 YEARS OLD; OR~~

~~9 (III) ENGAGING IN VAGINAL INTERCOURSE WITH ANOTHER IF THE
10 VICTIM IS 14 OR 15 YEARS OLD, AND THE PERSON PERFORMING THE ACT IS AT LEAST
11 21 YEARS OLD.~~

~~12 (C) THE TERM OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION FOR
13 A DEFENDANT SENTENCED ON OR AFTER JULY 1, 2006, SHALL:~~

~~14 (1) BE A MINIMUM OF 3 YEARS TO A MAXIMUM OF A TERM OF LIFE; AND~~

~~15 (2) COMMENCE ON THE EXPIRATION OF THE LATER OF ANY TERM OF
16 IMPRISONMENT, PROBATION, PAROLE, OR MANDATORY SUPERVISION.~~

~~17 (D) (1) AT SENTENCING, WHEN APPLICABLE, THE JUDGE SHALL STATE ON
18 THE RECORD THAT THE DEFENDANT'S SENTENCE SHALL INCLUDE A TERM OF
19 EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION.~~

~~20 (2) THE STATEMENT REQUIRED UNDER PARAGRAPH (1) OF THIS
21 SUBSECTION IS FOR INFORMATION ONLY AND IS NOT A PART OF THE SENTENCE.~~

~~22 (3) THE FAILURE OF A COURT TO COMPLY WITH PARAGRAPH (1) OF THIS
23 SUBSECTION DOES NOT AFFECT THE LEGALITY OR EFFICACY OF THE SENTENCE.~~

~~24 11-724.~~

~~25 (A) THE MARYLAND PAROLE COMMISSION SHALL:~~

~~26 (1) ESTABLISH CONDITIONS OF PAROLE AND EXTENDED PAROLE
27 SUPERVISION FOR REGISTRANTS SENTENCED TO SUPERVISION UNDER § 11-723 OF
28 THIS SUBTITLE THAT SET OUT SPECIFIC CONDITIONS OF SUPERVISION, WHICH
29 SHALL:~~

~~30 (I) BE BASED ON A RISK ASSESSMENT AND CLASSIFICATION THAT
31 HAS BEEN CONDUCTED FOR THE REGISTRANT; AND~~

~~32 (II) BEGIN AT THE COMMENCEMENT OF THE REGISTRANT'S
33 REGULAR PROBATION, PAROLE, OR MANDATORY RELEASE;~~

~~34 (2) HEAR AND ADJUDICATE CASES OF EXTENDED SEXUAL OFFENDER
35 PAROLE SUPERVISION VIOLATIONS; AND~~

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

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

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

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

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

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

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

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

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

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

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

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

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

34 ~~(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 ~~11-725.~~

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.~~

Article - Criminal Procedure

1
2 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) (I) 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 (c) 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 [11-711.

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 (c) 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 (6) 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

1 (9) The polygrapher in 2009.

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

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

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

11 SECTION 4. AND BE IT FURTHER ENACTED, That the provisions of §
12 7-401(d)(3) of the Correctional Services Article shall be construed to apply only
13 prospectively to violations of parole committed on or after the effective date of this
14 Act.

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