

UNOFFICIAL COPY OF SENATE BILL 4
EMERGENCY BILL

E2

6lr0031
CF 6lr0041

By: **The President (By Request - Administration) and Senators DeGrange,
Dyson, Forehand, Garagiola, Giannetti, Haines, Jacobs, Jimeno,
Mooney, and Stone**

Introduced and read first time: June 14, 2006

Assigned to: Judicial Proceedings

Rules suspended

Committee Report: Favorable with amendments

Senate action: Adopted

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~~
10 ~~jurisdiction of the circuit court in certain criminal cases involving registration of~~
11 ~~certain offenders; establishing that the initial registration of an individual~~
12 ~~relating to certain sexual offenses and offenses involving children is a reportable~~
13 ~~offense for certain criminal records purposes; requiring local law enforcement~~
14 ~~units to register certain offenders; altering the responsibilities of supervising~~
15 ~~authorities; establishing that all persons subject to certain registration~~
16 ~~requirements must register in person; altering the time periods relating to~~
17 ~~registration; requiring that certain registrations include a photograph that shall~~
18 ~~be updated at least once each year; repealing certain dates before which certain~~
19 ~~registrants are required to register; increasing the term of registration of certain~~
20 ~~registrants; requiring a certain supervising authority to obtain a DNA sample~~
21 ~~from a certain registrant under certain circumstances; altering certain time~~
22 ~~periods for certain notification requirements; requiring a local law enforcement~~
23 ~~unit to provide a certain notice to a certain county superintendent and certain~~
24 ~~nonpublic schools of a change of address of a certain sexual offender within a~~
25 ~~certain time period; requiring a local law enforcement unit to provide a certain~~

1 notice to a certain police department of a certain change of address of a certain
2 sexual offender within a certain time period; requiring a certain police
3 department to provide a certain notice to a certain commander of a local police
4 precinct or district within a certain time period; requiring a local law
5 enforcement unit to send a copy of a certain notice to a certain commander of a
6 local police precinct or district within a certain time period; authorizing a local
7 law enforcement unit to send a certain notice to certain organizations that serve
8 children and other individuals vulnerable to certain offenders; requiring certain
9 registration statements to include a certain description of the crime that is the
10 basis for the registration of a certain offender; requiring the Department of
11 Public Safety and Correctional Services, through a certain Internet posting of
12 current registrants, to allow the public to electronically transmit certain
13 information to the Department, to certain parole and probation agents, and to
14 local law enforcement; requiring the Department to allow certain members of
15 the public, by request, to receive electronic mail notification of the release and
16 registration information of certain offenders; authorizing the Department or a
17 local law enforcement unit to provide certain information to a certain person
18 under certain circumstances; requiring the Department to adopt certain
19 regulations; altering the classification of the crime from a misdemeanor to a
20 felony and increasing the maximum penalties for a person convicted of
21 knowingly failing to register as an offender for certain crimes, knowingly failing
22 to provide a certain written notice to the Department, and knowingly providing
23 false information of a material fact on a certain registration statement;
24 prohibiting certain registrants from entering the real property of certain
25 schools, day care homes, child care homes, or child care institutions under
26 certain circumstances; establishing certain penalties; requiring a sentence for a
27 certain category of sexual offender to include a term of extended sexual offender
28 parole supervision; creating certain exceptions; giving a certain judge discretion
29 to impose a term of extended sexual offender parole supervision for a certain
30 category of sexual offender; requiring that a term of extended sexual offender
31 parole supervision have a certain minimum and a possible certain maximum
32 period and commence at the expiration of a certain term; requiring a judge to
33 state on the record at a certain time that a certain defendant's sentence shall
34 include a term of extended sexual offender parole supervision; requiring that the
35 Commission establish and administer certain extended sexual offender parole
36 supervision that sets out certain conditions and is based upon a certain risk
37 assessment and classification; requiring the Commission to hear and adjudicate
38 certain cases; authorizing the Commission to impose certain sanctions on
39 certain registrants; providing that imprisonment for a certain violation is not
40 subject to diminution credits; authorizing certain specific conditions of extended
41 sexual offender parole supervision agreements; requiring the Commission to
42 hear and adjudicate a certain petition for discharge from extended sexual
43 offender parole supervision; authorizing a certain registrant to petition for
44 discharge after serving a certain period of extended supervision; authorizing a
45 registrant whose petition for discharge is denied to petition for discharge again
46 after a certain period; requiring a certain petition for discharge to include a
47 certain risk assessment of a registrant and a recommendation from a certain
48 sexual offender management team; prohibiting the Commission from

1 discharging a registrant from certain supervision unless the Commission
2 determines that the registrant no longer poses an unacceptable risk to
3 community safety; requiring the Commission to, by regulation, establish certain
4 notice and hearing procedures; providing that the Commission has certain
5 powers for the purpose of carrying out certain duties; requiring the Commission
6 to appoint a certain administrator; providing that participation in a certain
7 treatment program shall not prohibit a convicted individual from continuing to
8 maintain a certain innocence; requiring that a sexual offender parole
9 supervision be conducted by a sexual offender management team under the
10 supervision of the Division of Parole and Probation; requiring a sexual offender
11 management team to be composed of a certain parole and probation agent,
12 sexual offender treatment provider, and law enforcement representative;
13 authorizing a sexual offender management team to include certain other
14 persons; requiring a sexual offender management team to submit certain
15 progress reports on certain registrants at certain intervals; requiring a sexual
16 offender management team to provide a copy of a certain progress report to a
17 certain local law enforcement unit; establishing a Sexual Offender Advisory
18 Board; providing for the membership, appointment, terms, staggering of terms,
19 reimbursements, chair, quorum and meeting requirements, duties, and staffing
20 of the Board; requiring certain units of government to cooperate with the Board;
21 requiring the Commission, with the advice of the Board, to adopt certain
22 regulations; defining certain terms; altering certain definitions; specifying the
23 terms of the initial members of the Board authorizing the Maryland Parole
24 Commission to administer certain extended sexual offender parole supervision;
25 prohibiting certain sexual acts by certain individuals involving children who are
26 under a certain age; requiring a court to impose a certain sentence for certain
27 offenses under certain circumstances; establishing certain penalties; requiring
28 the State to notify a certain person of the State's intention to seek a certain
29 sentence within a certain time period under certain circumstances; establishing
30 that the initial registration of an individual relating to certain sexual offenses is
31 a reportable offense for certain criminal records purposes; requiring a certain
32 notice by a certain person to be sent to a certain registry; altering certain time
33 periods for certain notification requirements; establishing that all persons
34 subject to certain registration requirements must register in person every 3
35 months; requiring that certain registrations include a photograph that shall be
36 updated at least once each year; repealing certain dates before which certain
37 registrants are required to register; requiring a certain supervising authority to
38 obtain a DNA sample from a certain registrant under certain circumstances;
39 requiring a local law enforcement unit to provide a certain notice to a certain
40 county superintendent and certain nonpublic schools of a change of address of a
41 certain sexual offender within a certain time period; requiring a local law
42 enforcement unit to provide a certain notice to a certain police department of a
43 certain change of address of a certain sexual offender within a certain time
44 period; requiring a certain police department to provide a certain notice to a
45 certain commander of a local police precinct or district within a certain time
46 period; requiring a local law enforcement unit to send a copy of a certain notice
47 to a certain commander of a local police precinct or district within a certain time
48 period; authorizing a local law enforcement unit to send a certain notice to

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

1 progress reports on certain registrants at certain intervals; requiring a sexual
 2 offender management team to provide a copy of a certain progress report to a
 3 certain local law enforcement unit; requiring the Commission, with the advice of
 4 a certain board, to adopt certain regulations; establishing a Sexual Offender
 5 Advisory Board; providing for the membership, appointment, terms, staggering
 6 of terms, reimbursements, chair, quorum and meeting requirements, duties, and
 7 staffing of the Board; requiring certain units of government to cooperate with
 8 the Board; defining certain terms; specifying the terms of the initial members of
 9 the Board; requiring the State Board of Education to adopt regulations that
 10 prohibit a county board of education from contracting for certain services with
 11 certain individuals who are required to register as certain offenders or who
 12 employ individuals to provide certain services who are required to register as
 13 certain offenders; making this Act an emergency measure; and generally
 14 relating to the supervision of, notifications concerning, and penalties for sexual
 15 offenders.

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

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

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

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

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

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

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

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

17 BY adding to
 18 Article - Education
 19 Section 6-113.1
 20 Annotated Code of Maryland
 21 (2004 Replacement Volume and 2005 Supplement)

22 BY adding to
 23 Article - Public Safety
 24 Section 1-401 to be under the new subtitle "Subtitle 4. Sexual Offender Advisory
 25 Board"
 26 Annotated Code of Maryland
 27 (2003 Volume and 2005 Supplement)

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

30 ~~Article - Correctional Services~~

31 ~~7-205.~~

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

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

- 1 (2) negotiate, enter into, and sign predetermined parole release
2 agreements as provided under subsection (b) of this section;
- 3 (3) hear cases for parole in which:
- 4 (i) the Commissioner of Correction, after reviewing the
5 recommendation of the appropriate managing official, objects to a parole;
- 6 (ii) the inmate was convicted of a homicide;
- 7 (iii) the inmate is serving a sentence of life imprisonment; or
- 8 (iv) the parole hearing is open to the public under § 7-304 of this
9 title;
- 10 (4) hear exceptions to recommendations of a hearing examiner or a
11 commissioner acting as a hearing examiner;
- 12 (5) review summarily all recommendations of a hearing examiner or a
13 commissioner acting as a hearing examiner to which an exception has not been filed;
- 14 (6) hear a case for parole in absentia when an individual who was
15 sentenced in this State to serve a term of imprisonment is in a correctional facility of
16 a jurisdiction other than this State;
- 17 (7) hear cases of parole revocation; and
- 18 (8) if delegated by the Governor, hear cases involving an alleged
19 violation of a conditional pardon.
- 20 (b) (1) (i) ~~The Commission may negotiate, enter into, and sign a~~
21 ~~predetermined parole release agreement with the Commissioner of Correction and an~~
22 ~~inmate under the jurisdiction of the Commission.~~
- 23 (ii) ~~The agreement may provide for the release of the inmate on~~
24 ~~parole at a predetermined time if, during the inmate's term of confinement, the~~
25 ~~inmate participates in the programs designated by the Commission and fulfills any~~
26 ~~other conditions specified in the agreement.~~
- 27 (2) ~~This subsection does not affect any diminution of an inmate's term of~~
28 ~~confinement awarded under Title 3, Subtitle 7 and §§ 9-506 and 9-513 of this article.~~
- 29 (c) ~~Each commissioner has visitorial powers over any correctional facility in~~
30 ~~which an individual is confined on a criminal charge, whether the correctional facility~~
31 ~~is operated by the State or by a county or municipal corporation of the State.~~
- 32 (d) As necessary to carry out its duties, the Commission may:
- 33 (1) ~~issue subpoenas requiring the attendance and testimony of~~
34 ~~witnesses;~~

1 (2) administer oaths; and

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

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

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

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

14 ~~7-206.~~

15 ~~The Commission shall:~~

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

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

21 (3) ~~review and make recommendations to the Governor:~~

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

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

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

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

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

1 ~~7-401.~~

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

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

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

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

13 (3) (f) IN THIS PARAGRAPH, "PAROLE" INCLUDES EXTENDED SEXUAL
14 OFFENDER PAROLE SUPERVISION UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL
15 PROCEDURE ARTICLE.

16 (H) AN INMATE MAY NOT RECEIVE CREDIT FOR TIME BETWEEN
17 RELEASE ON PAROLE OR MANDATORY SUPERVISION AND REVOCATION OF PAROLE
18 OR MANDATORY SUPERVISION IF:

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

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

25 A. A VIOLENT CRIME;

26 B. A VIOLATION OF § 3-307, § 3-308, § 3-315, §§ 3-321 THROUGH
27 3-324, OR § 3-602 OF THE CRIMINAL LAW ARTICLE; OR

28 C. A VIOLATION OF § 11-721 OR § 11-722 OF THE CRIMINAL
29 PROCEDURE ARTICLE.

30 ~~Article—Criminal Law~~

31 ~~3-303.~~

32 (a) A person may not:

33 (1) engage in vaginal intercourse with another by force, or the threat of
34 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) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS
28 GUILTY OF THE FELONY OF RAPE IN THE FIRST DEGREE AND ON CONVICTION IS
29 SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 25 YEARS AND NOT EXCEEDING
30 LIFE WITHOUT THE POSSIBILITY OF PAROLE.

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

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

36 [(d)] (E) If the State intends to seek a sentence of imprisonment for life
37 without the possibility of parole under subsection [(c)(2) or (3)] (D)(2), (3), OR (4) of this

1 section, the State shall notify the person in writing of the State's intention at least 30
2 days before trial.

3 ~~3-304.~~

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

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

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

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

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

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

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

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

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

28 ~~3-305.~~

29 (a) A person may not:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 3-306.

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

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

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

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

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

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

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

20 (H) ~~A COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY~~
21 ~~MINIMUM SENTENCE OF 15 YEARS.~~

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

25 ~~3-309.~~

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

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

30 ~~3-310.~~

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

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

35 ~~3-311.~~

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

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

4 ~~3-312.~~

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

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

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

10 ~~4-301.~~

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

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

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

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

18 ~~4-302.~~

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

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

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

28 (ii) ~~That is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9),~~
 29 ~~(10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), [and] (22), AND (23) of~~
 30 ~~this subtitle.~~

1

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

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

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

1 (19) a judgment of an appellate court;

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

4 (21) an adjudication of a child as delinquent:

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

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

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

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

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

16 ~~11-701.~~

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

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

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

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

21 (2) ~~has been convicted of violating any of the provisions of [the rape or~~
22 ~~sexual offense statutes under] §§ 3-303 through 3-307, §§ 3-309 THROUGH 3-312, §~~
23 ~~3-315, OR §§ 3-321 THROUGH 3-324 of the Criminal Law Article for a crime involving a~~
24 ~~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 41-207 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.

35 41-704.

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

1 (1) a child sexual offender;

2 (2) an offender;

3 (3) a sexually violent offender;

4 (4) a sexually violent predator;

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

8 (6) an offender, sexually violent offender, or sexually violent predator
9 who, before moving into this State, was required to register in another state or by a
10 federal, military, or Native American tribal court for a crime that occurred before July
11 1, 1997; or

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

15 (i) to carry on employment;

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

19 (iii) as a transient.

20 11-705.

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

23 (1) is released;

24 (2) is granted probation;

25 (3) is granted a suspended sentence; or

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

27 (B) A SUPERVISING AUTHORITY SHALL:

28 (1) OBTAIN FROM A REGISTRANT THE INFORMATION REQUIRED UNDER
29 § 11-706 OF THIS SUBTITLE;

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

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

4 ~~{(b)}~~ (C) A registrant shall register [with the supervising authority] IN
5 ~~PERSON:~~

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

8 (i) ~~is released;~~

9 (ii) ~~is granted probation before judgment;~~

10 (iii) ~~is granted probation after judgment;~~

11 (iv) ~~is granted a suspended sentence; or~~

12 (v) ~~receives a sentence that does not include a term of~~
13 ~~imprisonment;~~

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

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

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

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

19 (i) ~~begins employment in the State;~~

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

21 (iii) ~~enters the State as a transient.~~

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

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

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

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

31 (II) ~~IS EMPLOYED IN THE STATE.~~

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

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

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

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

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

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

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

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

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

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

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

33 ~~11-707.~~

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

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

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

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

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

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

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

21 ~~[(ii)]~~ Registration shall include a photograph that shall be updated at
 22 least once each year.

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

24 ~~(i)~~ ~~10 years; or~~

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

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

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

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

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

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

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

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

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

- 8 ~~(1) the last date of release;~~
- 9 ~~(2) the date granted probation; or~~
- 10 ~~(3) the date granted a suspended sentence.]~~

11 ~~11-708.~~

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

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

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

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

23 ~~11-709.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 ~~11-711.~~

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

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

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

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

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

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

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

18 ~~11-713.~~

19 The Department:

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

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

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

28 ~~11-717.~~

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

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

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

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

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

16 [(e)] (E) The Department shall establish regulations to carry out this section.
17 11-718.

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

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

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

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

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

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

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

3 ~~11-721.~~

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

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

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

12 ~~11-722.~~

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

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

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

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

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

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

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

31 (2) ON WHICH IS LOCATED:

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

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

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

4 11-723.

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

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

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

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

21 (II) ENGAGING IN A SEXUAL ACT WITH ANOTHER IF THE VICTIM IS
22 14 OR 15 YEARS OLD, AND THE PERSON PERFORMING THE SEXUAL ACT IS AT LEAST 21
23 YEARS OLD; OR

24 (III) ENGAGING IN VAGINAL INTERCOURSE WITH ANOTHER IF THE
25 VICTIM IS 14 OR 15 YEARS OLD, AND THE PERSON PERFORMING THE ACT IS AT LEAST
26 21 YEARS OLD.

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

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

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

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

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

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

3 ~~11-724.~~

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

5 (1) ~~ESTABLISH CONDITIONS OF PAROLE AND EXTENDED PAROLE~~
6 ~~SUPERVISION FOR REGISTRANTS SENTENCED TO SUPERVISION UNDER § 11-723 OF~~
7 ~~THIS SUBTITLE THAT SET OUT SPECIFIC CONDITIONS OF SUPERVISION, WHICH~~
8 ~~SHALL:~~

9 (1) ~~BE BASED ON A RISK ASSESSMENT AND CLASSIFICATION THAT~~
10 ~~HAS BEEN CONDUCTED FOR THE REGISTRANT; AND~~

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

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

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

17 (B) ~~IN ADDITION TO ANY OTHER CONDITIONS OF RELEASE, SPECIFIC~~
18 ~~CONDITIONS OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION MAY~~
19 ~~INCLUDE:~~

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

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

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

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

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

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

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

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

5 (C) (1) ~~THE COMMISSION SHALL HEAR AND ADJUDICATE A PETITION FOR~~
6 ~~DISCHARGE FROM EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION FROM A~~
7 ~~REGISTRANT.~~

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

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

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

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

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

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

23 (D) ~~THE COMMISSION SHALL HAVE ALL OF THE POWERS SET FORTH IN §§~~
24 ~~7-205 AND 7-206 OF THE CORRECTIONAL SERVICES ARTICLE FOR THE PURPOSE OF~~
25 ~~CARRYING OUT THE DUTIES OF THE COMMISSION UNDER THIS SUBTITLE.~~

26 (E) ~~THE COMMISSION SHALL APPOINT AN ADMINISTRATOR TO COORDINATE~~
27 ~~THE REQUIREMENTS OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION~~
28 ~~UNDER THIS SUBTITLE.~~

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

32 (G) ~~THE COMMISSION SHALL, BY REGULATION, ESTABLISH~~
33 ~~CONSTITUTIONALLY COMPLIANT NOTICE AND HEARING PROCEDURES APPLICABLE~~
34 ~~TO THE IMPOSITION OF SANCTIONS FOR EXTENDED SEXUAL OFFENDER PAROLE~~
35 ~~SUPERVISION VIOLATIONS AND PETITIONS FOR DISCHARGE FROM EXTENDED~~
36 ~~SEXUAL OFFENDER PAROLE SUPERVISION.~~

1 ~~11-725.~~

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

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

8 (1) ~~CONSISTS OF:~~

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

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

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

13 (2) ~~MAY INCLUDE:~~

14 (I) ~~VICTIM ADVOCATES;~~

15 (II) ~~FAITH COUNSELORS;~~

16 (III) ~~EMPLOYMENT COUNSELORS;~~

17 (IV) ~~COMMUNITY LEADERS;~~

18 (V) ~~A POLYGRAPHER; AND~~

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

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

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

29 ~~11-726.~~

30 ~~THE COMMISSION, WITH THE ADVICE OF THE SEXUAL OFFENDER ADVISORY~~
31 ~~BOARD ESTABLISHED UNDER § 1-401 OF THE PUBLIC SAFETY ARTICLE, SHALL ADOPT~~
32 ~~REGULATIONS NECESSARY TO CARRY OUT THE DUTIES OF THE COMMISSION UNDER~~
33 ~~§ 11-724 OF THIS SUBTITLE.~~

~~Article—Public Safety~~

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

~~3 4-401.~~

~~4 (A) THERE IS A SEXUAL OFFENDER ADVISORY BOARD IN THE DEPARTMENT
5 OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.~~

~~6 (B) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:~~

~~7 (1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE
8 PRESIDENT OF THE SENATE;~~

~~9 (2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE
10 SPEAKER OF THE HOUSE;~~

~~11 (3) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES,
12 OR THE SECRETARY'S DESIGNEE;~~

~~13 (4) THE DIRECTOR OF THE DIVISION OF PAROLE AND PROBATION, OR
14 THE DIRECTOR'S DESIGNEE;~~

~~15 (5) THE CHAIRMAN OF THE MARYLAND PAROLE COMMISSION, OR THE
16 CHAIRMAN'S DESIGNEE;~~

~~17 (6) THE EXECUTIVE DIRECTOR OF THE MENTAL HYGIENE
18 ADMINISTRATION OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, OR THE
19 EXECUTIVE DIRECTOR'S DESIGNEE;~~

~~20 (7) THE SECRETARY OF STATE POLICE, OR THE SECRETARY'S DESIGNEE;~~

~~21 (8) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S DESIGNEE;
22 AND~~

~~23 (9) THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR:~~

~~24 (I) A REPRESENTATIVE FROM A VICTIM'S ADVOCACY GROUP;~~

~~25 (II) A HEALTH CARE PROFESSIONAL WITH EXPERTISE IN MENTAL
26 DISORDERS;~~

~~27 (III) A STATE'S ATTORNEY;~~

~~28 (IV) A LAWYER WITH EXPERTISE IN CRIMINAL DEFENSE;~~

~~29 (V) A SEXUAL OFFENDER TREATMENT PROVIDER;~~

~~30 (VI) A POLYGRAPHER;~~

- 1 (VII) A REPRESENTATIVE OF A LOCAL LAW ENFORCEMENT UNIT;
2 AND
- 3 (VIII) TWO CITIZEN MEMBERS.
- 4 (C) (1) ~~THE TERM OF A MEMBER APPOINTED BY THE GOVERNOR IS 4 YEARS.~~
- 5 (2) ~~THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS~~
6 ~~REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON THE~~
7 ~~EFFECTIVE DATE OF CHAPTER ___ (SB ___)(LR0031) OF THE ACTS OF THE GENERAL~~
8 ~~ASSEMBLY OF THE SPECIAL SESSION OF 2006.~~
- 9 (3) ~~AT THE END OF A TERM AN APPOINTED MEMBER CONTINUES TO~~
10 ~~SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.~~
- 11 (4) ~~A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES~~
12 ~~ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND~~
13 ~~QUALIFIES.~~
- 14 (5) ~~A MEMBER WHOSE TERM HAS EXPIRED MAY BE REAPPOINTED TO~~
15 ~~THE BOARD.~~
- 16 (D) A BOARD MEMBER:
- 17 (1) ~~MAY NOT RECEIVE COMPENSATION FOR SERVING ON THE BOARD;~~
18 ~~BUT~~
- 19 (2) ~~IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE~~
20 ~~STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.~~
- 21 (E) ~~THE GOVERNOR SHALL SELECT THE CHAIR FROM AMONG THE BOARD'S~~
22 ~~MEMBERS.~~
- 23 (F) (1) ~~A MAJORITY OF THE BOARD'S DULY APPOINTED MEMBERS~~
24 ~~CONSTITUTES A QUORUM.~~
- 25 (2) ~~THE BOARD MAY ADOPT RULES FOR CONDUCTING BUSINESS.~~
- 26 (3) ~~THE BOARD SHALL MEET AT LEAST FOUR TIMES ANNUALLY AT THE~~
27 ~~TIMES AND PLACES IT DETERMINES.~~
- 28 (G) THE BOARD SHALL:
- 29 (1) ~~REVIEW TECHNOLOGY FOR THE TRACKING OF OFFENDERS;~~
- 30 (2) ~~REVIEW THE EFFECTIVENESS OF THE STATE'S LAWS CONCERNING~~
31 ~~SEXUAL OFFENDERS;~~
- 32 (3) ~~REVIEW THE LAWS OF OTHER STATES AND JURISDICTIONS~~
33 ~~CONCERNING SEXUAL OFFENDERS;~~

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

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

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

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

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

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

16 (4) ~~THE DIVISION OF PAROLE AND PROBATION SHALL PROVIDE TRAINING~~
 17 ~~FOR SEXUAL OFFENDER MANAGEMENT TEAMS, AND REPORT TO THE BOARD~~
 18 ~~REGARDING SUCH TRAINING.~~

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

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

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

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

31 (1) ~~One citizen member in 2007;~~

32 (2) ~~The member of the victim's advocacy group in 2007;~~

33 (3) ~~The health care professional with expertise in mental disorders in~~
 34 ~~2008;~~

35 (4) ~~One citizen member in 2008;~~

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

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

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

6 (7) hear cases of parole revocation; and

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

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

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

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

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

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

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

24 (2) administer oaths; and

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

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

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

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

1 7-206.

2 The Commission shall:

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

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

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

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

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

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

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

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

21 **Article - Criminal Law**

22 3-303.

23 (a) A person may not:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 3-304.

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

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

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

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

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

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

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

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

15 3-305.

16 (a) A person may not:

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

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

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

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

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

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

29 (b) A person may not violate subsection (a) of this section while also violating
30 § 3-503(a)(2) of this title involving a victim who is a child under the age of 16 years.

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

34 [(c)] (D) (1) Except as provided in paragraphs (2) [and], (3), AND (4) of this
35 subsection, a person who violates subsection (a) of this section is guilty of the felony of

1 sexual offense in the first degree and on conviction is subject to imprisonment not
 2 exceeding life.

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

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

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

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

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

22 3-306.

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

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

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

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

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

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

1 3-105 or § 3-111 of this article as incompetent to stand trial or not criminally
 2 responsible;

3 (16) an escape from confinement or commitment;

4 (17) a pardon, reprieve, commutation of a sentence, or other change in a
 5 sentence, including a change in a sentence that a court orders;

6 (18) an entry of an appeal to an appellate court;

7 (19) a judgment of an appellate court;

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

10 (21) an adjudication of a child as delinquent;

11 (i) if the child is at least 14 years old, for an act described in §
 12 3-8A-03(d)(1) of the Courts Article; or

13 (ii) if the child is at least 16 years old, for an act described in §
 14 3-8A-03(d)(4) or (5) of the Courts Article;

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

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

19 [(23)] (24) any other event arising out of or occurring during the course
 20 of a criminal proceeding that the Secretary by regulation or the Court of Appeals by
 21 rule makes a reportable event.

22 11-701.

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

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

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

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

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

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

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

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

5 [(b-1)] (B-2) "Employment" means an occupation, job, or vocation that is full
6 time or part time for a period exceeding 14 days or for an aggregate period exceeding
7 30 days during a calendar year, whether financially compensated, volunteered, or for
8 the purpose of government or educational benefit.

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

10 (1) IS A SEXUALLY VIOLENT PREDATOR;

11 (2) HAS BEEN CONVICTED OF A VIOLATION OF § 3-303, § 3-304, § 3-305, §
12 3-306(A)(1) OR (2), OR § 3-307(A)(1) OR (2) OF THE CRIMINAL LAW ARTICLE;

13 (3) HAS BEEN CONVICTED OF A VIOLATION OF § 3-309, § 3-310, OR § 3-311
14 OF THE CRIMINAL LAW ARTICLE OR AN ATTEMPT TO COMMIT A VIOLATION OF §
15 3-306(A)(1) OR (2) OF THE CRIMINAL LAW ARTICLE;

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

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

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

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

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

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

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

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

34 (5) has been convicted of violating the child pornography statute under §
35 11-207 of the Criminal Law Article;

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

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

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

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

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

13 (2) "Release" means:

14 (i) release on parole;

15 (ii) mandatory supervision release;

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

18 (iv) work release;

19 (v) placement on home detention; and

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

22 (3) "Release" does not include:

23 (i) an escape; or

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

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

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

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

28 (g) "Sexually violent offense" means:

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

1 (2) assault with intent to commit rape in the first or second degree or a
2 sexual offense in the first or second degree as prohibited on or before September 30,
3 1996, under former Article 27, § 12 of the Code; or

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

7 (h) "Sexually violent predator" means:

8 (1) a person who:

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

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

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

15 (i) "Supervising authority" means:

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

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

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

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

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

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

31 (7) the Secretary, if the registrant is in the State under terms and
32 conditions of the Interstate Compact for Adult Offender Supervision, set forth in Title
33 6, Subtitle 2 of the Correctional Services Article, or the Interstate Corrections
34 Compact, set forth in Title 8, Subtitle 6 of the Correctional Services Article;

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

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

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

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

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

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

18 11-705.

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

21 (1) is released;

22 (2) is granted probation;

23 (3) is granted a suspended sentence; or

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

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

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

28 (i) is released;

29 (ii) is granted probation before judgment;

30 (iii) is granted probation after judgment;

31 (iv) is granted a suspended sentence; or

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

1 (2) if the registrant moves into the State, within 7 days after the earlier
2 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 (c) (1) A child sexual offender shall also register in person with the local law
10 enforcement unit of the county where the child sexual offender will reside:

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

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

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

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

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

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

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

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

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] A LOCAL LAW ENFORCEMENT UNIT [in accordance with § 11-711(a) of
11 this subtitle and] for the term 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, on or before January 1, April 1, July 1, and October 1,] 3 MONTHS [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 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, THE 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 (3) THIS SUBSECTION DOES NOT APPLY IF THE REGISTRANT IS
16 REQUIRED TO REGISTER UNDER § 11-704 OF THIS SUBTITLE SOLELY AS A RESULT OF
17 A MISDEMEANOR CONVICTION.

18 11-709.

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

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

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

36 (2) As soon as possible but not later than [5] 10 working days after
37 receiving notice from the local law enforcement unit under paragraph (1) of this
38 subsection, the county superintendent shall send written notice of the registration

1 statement to principals of the schools under the superintendent's supervision that the
2 superintendent considers necessary to protect the students of a school from a child
3 sexual offender.

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

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

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

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

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

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

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

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

32 (2) CHILD RECREATION FACILITIES;

33 (3) FAITH INSTITUTIONS; AND

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

1 11-711.

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

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

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

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

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

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

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

16 11-717.

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

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

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

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

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

1 [(c)] (E) The Department shall establish regulations to carry out this section.
2 11-718.

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

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

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

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

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

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

20 11-721.

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

24 (b) A person who violates this section:

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

28 (2) FOR A SECOND OR SUBSEQUENT OFFENSE, IS GUILTY OF A FELONY
29 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A
30 FINE NOT EXCEEDING \$10,000 OR BOTH.

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

33 11-722.

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

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

3 (I) 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 ONTO REAL PROPERTY:

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

17 (2) ON WHICH IS LOCATED:

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

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

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

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

1 11-724.

2 (A) THE MARYLAND PAROLE COMMISSION SHALL:

3 (1) ENTER INTO AND SIGN EXTENDED SEXUAL OFFENDER PAROLE
4 SUPERVISION AGREEMENTS WITH REGISTRANTS SENTENCED TO SUPERVISION
5 UNDER § 11-723 OF THIS SUBTITLE THAT SET OUT SPECIFIC CONDITIONS OF
6 SUPERVISION;

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.

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

13 (C) SPECIFIC CONDITIONS OF EXTENDED SEXUAL OFFENDER PAROLE
14 SUPERVISION SHALL COMMENCE UPON RELEASE OF THE EXTENDED PAROLE
15 SUPERVISION OFFENDER FROM INCARCERATION OR IMPOSITION OF PROBATION ON
16 THE EXTENDED PAROLE SUPERVISION OFFENDER AND MAY INCLUDE:

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

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

22 (3) RESTRICTING A REGISTRANT FROM OBTAINING EMPLOYMENT OR
23 FROM PARTICIPATING IN AN ACTIVITY THAT WOULD BRING THE REGISTRANT INTO
24 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 ALCOHOL;

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

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

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

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

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

6 (4) A PETITION FOR DISCHARGE SHALL INCLUDE:

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

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

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

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

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

22 11-725.

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

28 (B) A SEXUAL OFFENDER MANAGEMENT TEAM:

29 (1) CONSISTS OF:

30 (I) A SPECIALLY TRAINED PAROLE AGENT; AND

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

33 (2) MAY INCLUDE:

34 (I) VICTIM ADVOCATES;

35 (II) FAITH COUNSELORS;

1 (III) EMPLOYMENT COUNSELORS;

2 (IV) COMMUNITY LEADERS; AND

3 (V) A POLYGRAPHER.

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

7 (2) UNLESS DISCLOSURE OF A REPORT WOULD BE IN VIOLATION OF
8 LAWS REGARDING CONFIDENTIALITY OF TREATMENT RECORDS, A SEXUAL
9 OFFENDER MANAGEMENT TEAM SHALL PROVIDE COPIES OF EACH PROGRESS
10 REPORT TO LOCAL LAW ENFORCEMENT UNITS OF THE COUNTY IN WHICH THE
11 REGISTRANT RESIDES OR WHERE A SEXUAL OFFENDER WHO IS NOT A RESIDENT OF
12 THE STATE WILL WORK OR ATTEND SCHOOL.

13 11-726.

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

18 **Article - Education**

19 6-113.1.

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

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.

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

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

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

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

5 (4) 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 (5) THE SECRETARY OF STATE POLICE, OR THE SECRETARY'S DESIGNEE;
9 AND

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

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

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

14 (III) A STATE'S ATTORNEY;

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

16 (V) A SEXUAL OFFENDER TREATMENT PROVIDER;

17 (VI) A POLYGRAPHER;

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

20 (VIII) TWO CITIZEN MEMBERS.

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

22 (2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS
23 REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON THE
24 EFFECTIVE DATE OF CHAPTER _____ (S.B. 4) OF THE ACTS OF THE GENERAL
25 ASSEMBLY OF THE SPECIAL SESSION OF 2006.

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

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

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

33 (D) A BOARD MEMBER;

- 1 (1) MAY NOT RECEIVE COMPENSATION FOR SERVING ON THE BOARD;
2 BUT
- 3 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
4 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.
- 5 (E) THE GOVERNOR SHALL SELECT A CHAIRMAN FROM AMONG THE BOARD'S
6 MEMBERS.
- 7 (F) (1) A MAJORITY OF THE BOARD'S MEMBERS CONSTITUTES A QUORUM.
- 8 (2) THE BOARD MAY ADOPT RULES FOR CONDUCTING BUSINESS.
- 9 (3) THE BOARD SHALL MEET AT LEAST TWICE ANNUALLY AT THE TIMES
10 AND PLACES DETERMINED BY THE BOARD.
- 11 (G) THE BOARD SHALL:
- 12 (1) REVIEW TECHNOLOGY FOR THE TRACKING OF OFFENDERS;
- 13 (2) REVIEW THE EFFECTIVENESS OF THE STATE'S LAWS CONCERNING
14 SEXUAL OFFENDERS;
- 15 (3) REVIEW THE LAWS OF OTHER STATES AND JURISDICTIONS
16 CONCERNING SEXUAL OFFENDERS;
- 17 (4) REVIEW PRACTICES AND PROCEDURES OF THE MARYLAND PAROLE
18 COMMISSION AND THE DIVISION OF PAROLE AND PROBATION CONCERNING
19 SUPERVISION AND MONITORING OF SEXUAL OFFENDERS;
- 20 (5) REVIEW DEVELOPMENTS IN THE TREATMENT AND ASSESSMENT OF
21 SEXUAL OFFENDERS;
- 22 (6) DEVELOP STANDARDS FOR SEXUAL OFFENDER TREATMENT BASED
23 ON CURRENT AND EVOLVING BEST PRACTICES;
- 24 (7) CERTIFY STATE SEXUAL OFFENDER TREATMENT PROGRAMS THAT
25 ARE IN COMPLIANCE WITH THE BOARD'S STANDARDS; AND
- 26 (8) PROVIDE TRAINING FOR SEXUAL OFFENDER MANAGEMENT TEAMS.
- 27 (H) ON OR BEFORE DECEMBER 31, 2009, AND EVERY YEAR THEREAFTER, THE
28 BOARD SHALL REPORT THE FINDINGS AND RECOMMENDATIONS OF THE BOARD TO
29 THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT
30 ARTICLE, THE GENERAL ASSEMBLY.
- 31 (I) EACH UNIT OF STATE AND LOCAL GOVERNMENT SHALL COOPERATE WITH
32 THE BOARD.

1 (J) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
2 AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL PROVIDE STAFF
3 TO THE BOARD.

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

- 7 (1) One citizen member in 2008;
- 8 (2) The member of the victim's advocacy group in 2008;
- 9 (3) The health care professional with expertise in mental disorders in
10 2009;
- 11 (4) One citizen member in 2009;
- 12 (5) The sexual offender treatment provider in 2009;
- 13 (6) The lawyer with expertise in criminal defense in 2010;
- 14 (7) The representative of a local law enforcement unit in 2010;
- 15 (8) The State's Attorney in 2010; and
- 16 (9) The polygrapher in 2010.

17 SECTION ~~5~~ 3. AND BE IT FURTHER ENACTED, That this Act is an
18 emergency measure, is necessary for the immediate preservation of the public health
19 or safety, has been passed by a yeas or nays vote supported by three-fifths of all the
20 members elected to each of the two Houses of the General Assembly, and shall take
21 effect from the date it is enacted.