

HOUSE BILL 740

E2, E4

01r0994

By: **Delegate King**

Introduced and read first time: February 5, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Extended Sexual Offender Parole Supervision –**
3 **Conditions of Supervision**

4 FOR the purpose of altering the list of authorized conditions of extended sexual
5 offender parole supervision; providing that any certified sexual offender
6 treatment program that an extended sexual offender parole supervisee is
7 required to participate in must be located in a secure facility; requiring an
8 extended sexual offender parole supervisee participating in a residential or
9 nonresidential substance abuse treatment program to be monitored through
10 global positioning satellite tracking technology; and generally relating to
11 conditions of extended sexual offender parole supervision.

12 BY repealing and reenacting, without amendments,
13 Article – Criminal Procedure
14 Section 11–701(a) and (f), 11–723, and 11–724(a)
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2009 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Criminal Procedure
19 Section 11–724(c)
20 Annotated Code of Maryland
21 (2008 Replacement Volume and 2009 Supplement)

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

24 **Article – Criminal Procedure**

25 11–701.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 (f) “Extended parole supervision offender” means a person who:

3 (1) is a sexually violent predator;

4 (2) has been convicted of a violation of § 3–303, § 3–304, § 3–305, §
5 3–306(a)(1) or (2), or § 3–307(a)(1) or (2) of the Criminal Law Article;

6 (3) has been convicted of a violation of § 3–309, § 3–310, or § 3–311 of
7 the Criminal Law Article or an attempt to commit a violation of § 3–306(a)(1) or (2) of
8 the Criminal Law Article;

9 (4) has been convicted of a violation of § 3–602 of the Criminal Law
10 Article for commission of a sexual act involving penetration of a child under the age of
11 12 years; or

12 (5) has been convicted more than once of a crime as a child sexual
13 offender, an offender, or a sexually violent offender.

14 11–723.

15 (a) Except where a term of natural life without the possibility of parole is
16 imposed, a sentence for an extended parole supervision offender shall include a term of
17 extended sexual offender parole supervision.

18 (b) The term of extended sexual offender parole supervision for a defendant
19 sentenced on or after August 1, 2006, shall:

20 (1) be a minimum of 3 years to a maximum of a term of life; and

21 (2) commence on the expiration of the later of any term of
22 imprisonment, probation, parole, or mandatory supervision.

23 11–724.

24 (a) The Maryland Parole Commission shall:

25 (1) enter into and sign extended sexual offender parole supervision
26 agreements with registrants sentenced to supervision under § 11–723 of this subtitle
27 that set out specific conditions of supervision;

28 (2) hear and adjudicate cases of extended sexual offender parole
29 supervision violations; and

30 (3) impose sanctions for extended sexual offender parole supervision
31 violations, including additional restrictive conditions.

1 (c) Specific conditions of extended sexual offender parole supervision shall
2 commence upon release of the extended parole supervision offender from incarceration
3 or imposition of probation on the extended parole supervision offender and may
4 include:

5 (1) monitoring a registrant through global positioning satellite
6 tracking technology;

7 (2) where appropriate and feasible, restricting a registrant from living
8 in proximity to or loitering near schools, family day care centers, child care centers,
9 and other places primarily used by minors;

10 (3) restricting a registrant from obtaining employment or from
11 participating in an activity that would bring the registrant into contact with minors;

12 (4) requiring a registrant to participate in a certified sexual offender
13 treatment program **THAT IS LOCATED IN A SECURE FACILITY;**

14 (5) prohibiting a registrant from using illicit drugs or alcohol;

15 (6) authorizing parole agents to access the personal computer of a
16 registrant to check for material relating to sexual relations with minors;

17 (7) requiring a registrant to take regular polygraph examinations;
18 [and]

19 (8) prohibiting a registrant from contacting specific individuals or
20 categories of individuals; **AND**

21 **(9) DURING THE TIME A REGISTRANT PARTICIPATES IN A**
22 **RESIDENTIAL OR NONRESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM,**
23 **REQUIRING THE REGISTRANT TO BE MONITORED THROUGH GLOBAL**
24 **POSITIONING SATELLITE TRACKING TECHNOLOGY.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2010.