

SENATE BILL 854

E2, E4

0lr0190
CF HB 936

By: **The President (By Request – Administration) and Senators DeGrange, Haines, King, Muse, Robey, ~~and Stone~~ Stone, Brochin, Jacobs, Mooney, Raskin, Simonaire, Astle, Conway, Currie, Della, Dyson, Exum, Garagiola, Glassman, Harrington, Jones, Kasemeyer, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Miller, Munson, Peters, Pugh, and Rosapepe**

Introduced and read first time: February 12, 2010

Assigned to: Rules

Re-referred to: Judicial Proceedings, February 19, 2010

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 26, 2010

CHAPTER _____

1 AN ACT concerning

2 ~~Criminal Procedure~~ **Crimes – Sex Offenders – Notification and, Registration,**
3 **Commitment, and Court Procedures**

4 FOR the purpose of authorizing a court to admit evidence of a defendant’s commission
5 of a certain separate act of sexual misconduct involving a minor in a prosecution
6 for certain sexual offenses involving a minor under certain circumstances;
7 requiring the State’s Attorney to disclose to the defendant the State’s intent to
8 offer the evidence within a certain time period before the trial unless the court
9 allows disclosure at a later time for good cause shown; specifying the content of
10 the disclosure to the defendant; prohibiting certain evidence from being referred
11 to in a statement to the jury or introduced at trial unless the court first holds a
12 closed hearing and determines that the evidence is admissible; requiring the
13 court to enter an order stating which evidence may be introduced under certain
14 circumstances; authorizing the court to reconsider a ruling excluding evidence
15 and hold an additional closed hearing if new information is discovered during
16 the trial that may make the evidence admissible; altering certain requirements
17 relating to the registration of individuals who have committed certain offenses
18 on a certain registry; altering the offenses for which a person can be required to
19 register on a certain registry for committing, attempting to commit, or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 conspiring to commit; requiring certain persons to register on a certain registry
2 if they have been convicted of certain crimes in certain countries; ~~altering the~~
3 ~~requirements for registration on a certain registry for a certain person granted~~
4 ~~probation before judgment~~; providing that certain requirements for a person to
5 register on a certain registry are to be applied retroactively under certain
6 circumstances; providing for the calculation of a certain term of registration;
7 altering certain requirements for persons under a certain age to register on a
8 certain registry under certain circumstances; requiring a certain person to be
9 included in a certain listing of juvenile sex offenders; specifying that a certain
10 listing of juvenile sex offenders shall be accessible only by law enforcement
11 personnel for law enforcement purposes; requiring a certain person to be
12 removed from a certain listing of juvenile sex offenders at a certain time;
13 establishing that certain individuals who are under the protection of certain
14 witness protection programs are exempt from certain registration requirements;
15 altering certain time periods relating to certain registration, notice, and
16 reporting requirements; requiring certain sex offenders to register in person
17 with a certain local law enforcement ~~unit~~ units within certain time periods;
18 providing that a certain sex offender may be required to provide certain
19 additional information to a certain local law enforcement unit; establishing that
20 a person is a resident for purposes of a certain offender registry if the person
21 has a home or other place where the person habitually lives located in the State
22 at the time of a certain event; establishing that a certain registrant shall
23 register with a certain supervising authority within a certain period of time
24 after the registrant begins to habitually live in the State; requiring a certain
25 homeless registrant to register in person with a local law enforcement unit
26 within certain time periods; requiring a certain homeless registrant to register
27 with a local law enforcement unit at certain intervals; establishing that certain
28 registration requirements for a homeless registrant are in addition to certain
29 other requirements; requiring a registrant who was homeless and obtains a
30 fixed address to register with a local law enforcement unit within a certain time
31 period; requiring a certain registrant who makes changes in certain identifying
32 information to send a certain notice to a local law enforcement unit within a
33 certain time period; requiring a certain sexual offender registrant who
34 establishes a new electronic mail address, computer log-in or screen name or
35 identity, instant-message identity, or electronic chat room identity to provide
36 written notice to the sexual offender registry of the new information within a
37 certain period after establishing the new address, name, or identity; requiring
38 certain notifications by certain registrants to be made by reporting in person;
39 requiring certain registrants to notify a certain local law enforcement ~~unit~~ units
40 when the registrant leaves the United States under certain circumstances or
41 temporarily moves; requiring a certain notification to be made in a certain
42 manner; adding to the requirements of a certain registration statement;
43 requiring a certain registrant to provide a digital image instead of a photograph
44 under certain circumstances; requiring a certain registrant to provide a palm
45 print; repealing an exemption from a certain requirement to provide DNA for a
46 certain person convicted of a misdemeanor; altering the terms of registration for
47 certain sex offenders on a certain registry; authorizing certain terms of

1 registration to be reduced under certain circumstances; requiring a certain
2 notification relating to the registration of a certain sex offender to be sent to
3 certain school superintendents, schools, school principals, police departments,
4 and certain entities relating to children; requiring local law enforcement units
5 to provide certain notifications to the Department of Public Safety and
6 Correctional Services; expanding certain notification requirements relating to
7 the residence of a certain registrant to include ~~the~~ each county where the
8 registrant habitually lives or intends to habitually live; requiring a certain
9 supervising authority to notify ~~the~~ each local law enforcement unit where a
10 registrant resided or habitually lived in the event of a certain escape or
11 recapture; expanding the authority of a local law enforcement unit to notify
12 entities of the location of a certain sex offender to include notifying child care
13 centers issued a certain letter of compliance; providing that the Department is
14 responsible for receiving and distributing certain communications and notifying
15 certain jurisdictions of certain information; prohibiting certain registration
16 information provided to the public from including certain information; altering a
17 certain provision to require the Department to post certain information about a
18 registrant on the Internet; requiring the Department to post on the Internet, in
19 plain language that can be understood without special knowledge of the
20 criminal laws of the State, a description of the crime of a sex offender registrant,
21 excluding details that would identify the victim; requiring the Department to
22 provide certain information relating to out-of-state registration status on a
23 certain Internet posting; altering a certain prohibition to provide that a
24 registrant may not fail to provide certain notice, whether written or in person;
25 prohibiting a certain person required to register as a sexual offender from
26 knowingly failing to provide any information required to be included in a
27 registration statement; creating a procedure in which a person who has been
28 convicted of a sexually violent offense and who suffers from a certain mental
29 abnormality or personality disorder may be placed in the custody of the
30 Secretary of Health and Mental Hygiene until the person meets certain criteria;
31 establishing that a term of extended parole supervision commences on the
32 expiration of a certain term of commitment to a certain State facility; requiring
33 the Commissioner of Correction of the Department of Public Safety and
34 Correctional Services to give notice to the Attorney General before certain
35 persons who have been convicted of certain sexually violent offenses are
36 released from confinement; requiring the Attorney General to determine if
37 certain persons meet the criteria of sexually violent offenders in need of
38 commitment; establishing certain procedures for determining whether persons
39 are sexually violent offenders in need of commitment; requiring that a review
40 committee of prosecutors and a multidisciplinary team be formed to make
41 recommendations concerning the identification of sexually violent offenders in
42 need of commitment; making the Commissioner and certain other individuals
43 immune from civil liability for acts performed in good faith in carrying out this
44 Act; specifying the criteria for finding a person to be a sexually violent offender
45 in need of commitment; authorizing the Attorney General to petition the circuit
46 court to find probable cause that a certain person is a sexually violent offender
47 in need of commitment; authorizing a court to order a certain person taken into

1 custody if the court determines certain probable cause exists; authorizing a
 2 court to conduct a trial under certain circumstances to determine if a certain
 3 person is a sexually violent offender in need of commitment; allowing a certain
 4 person certain rights at trial; requiring that the standard of proof at a trial to
 5 determine whether a person is a sexually violent offender in need of
 6 commitment be that of proof beyond a reasonable doubt; requiring that a person
 7 who is found to be a sexually violent offender in need of commitment be placed
 8 in the custody of the Secretary of Health and Mental Hygiene for control, care,
 9 and treatment at a State facility until the mental abnormality or personality
 10 disorder of the person has so changed that the person is not likely to engage in a
 11 certain act if released; requiring that a certain committed person in a State
 12 facility be subject to an annual mental examination and an annual status
 13 review hearing; authorizing the court to determine at an annual status review
 14 hearing that probable cause exists to believe that the committed person is not
 15 likely to engage in certain acts if released; authorizing that a release hearing be
 16 held under certain circumstances; establishing the procedures for certain
 17 hearings; requiring that the court release a committed person under certain
 18 circumstances; providing that certain provisions of this Act have no effect on the
 19 operation of certain provisions of the Code; providing for the construction and
 20 application of certain provisions of this Act; providing that certain provisions of
 21 this Act are severable under certain circumstances; making certain conforming
 22 changes; defining certain terms; altering certain terms; repealing certain terms;
 23 making certain provisions of this Act subject to a certain contingency; and
 24 generally relating to sex offender registration, commitment, and court
 25 procedures.

26 BY repealing and reenacting, without amendments,

27 Article – Criminal Law

28 Section 1–101(g)

29 Annotated Code of Maryland

30 (2002 Volume and 2009 Supplement)

31 BY adding to

32 Article – Courts and Judicial Proceedings

33 Section 10–916.1

34 Annotated Code of Maryland

35 (2006 Replacement Volume and 2009 Supplement)

36 BY repealing and reenacting, with amendments,

37 Article – Criminal Procedure

38 Section 11–701, ~~11–702~~, 11–702.1, 11–704 through 11–710, 11–712, 11–713,
 39 11–714, 11–717, 11–718(a), ~~and 11–721~~ 11–721, and 11–723 to be under

40 the amended subtitle “Subtitle 7. Sex Offender Registration”

41 Annotated Code of Maryland

42 (2008 Replacement Volume and 2009 Supplement)

43 BY repealing and reenacting, without amendments,

1 Article – Criminal Procedure
 2 Section 11–702 and 11–703
 3 Annotated Code of Maryland
 4 (2008 Replacement Volume and 2009 Supplement)

5 BY adding to
 6 Article – Criminal Procedure
 7 Section 11–704.1 and 11–704.2
 8 Annotated Code of Maryland
 9 (2008 Replacement Volume and 2009 Supplement)

10 BY repealing and reenacting, without amendments,
 11 Article – Health – General
 12 Section 1–101(a), (c), and (k) and 10–101(e) and (h)
 13 Annotated Code of Maryland
 14 (2009 Replacement Volume)

15 BY adding to
 16 Article – Health – General
 17 Section 10–636 through 10–646 to be under the new part “Part VI. Sexually
 18 Violent Offender in Need of Commitment”
 19 Annotated Code of Maryland
 20 (2009 Replacement Volume)

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

23 **Article – Criminal Law**

24 1–101.

25 (g) “Minor” means an individual under the age of 18 years.

26 **Article – Courts and Judicial Proceedings**

27 **10–916.1.**

28 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
 29 **MEANINGS INDICATED.**

30 **(2) “ACT OF SEXUAL MISCONDUCT INVOLVING A MINOR” MEANS A**
 31 **CONVICTION FOR:**

32 **(I) A VIOLATION OF § 3–602 OF THE CRIMINAL LAW**
 33 **ARTICLE;**

1 (II) A VIOLATION OF FORMER ARTICLE 27, § 35C OF THE
2 CODE OCCURRING BEFORE OCTOBER 1, 2002, THAT INVOLVED SEXUAL ABUSE
3 OF A MINOR;

4 (III) A VIOLATION OF TITLE 3, SUBTITLE 3 OF THE
5 CRIMINAL LAW ARTICLE INVOLVING A VICTIM WHO IS A MINOR; OR

6 (IV) A VIOLATION OF FEDERAL LAW OR THE LAW OF
7 ANOTHER STATE THAT, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE ANY
8 OF THE CRIMES SPECIFIED IN ITEMS (I) THROUGH (III) OF THIS PARAGRAPH.

9 (3) "MINOR" HAS THE MEANING STATED IN § 1-101 OF THE
10 CRIMINAL LAW ARTICLE.

11 (B) SUBJECT TO SUBSECTION (D) OF THIS SECTION, IN A PROSECUTION
12 FOR A VIOLATION OF § 3-602 OF THE CRIMINAL LAW ARTICLE OR A VIOLATION
13 OF TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE INVOLVING A VICTIM
14 WHO IS A MINOR, EVIDENCE OF THE DEFENDANT'S COMMISSION OF A SEPARATE
15 ACT OF SEXUAL MISCONDUCT INVOLVING A MINOR IS ADMISSIBLE IF THE
16 COURT:

17 (1) (I) IN A BENCH TRIAL, FINDS BY CLEAR AND CONVINCING
18 EVIDENCE THAT THE DEFENDANT COMMITTED THE SEPARATE ACT; OR

19 (II) IN A JURY TRIAL, FINDS THAT A REASONABLE JURY
20 COULD FIND BY CLEAR AND CONVINCING EVIDENCE THAT THE DEFENDANT
21 COMMITTED THE SEPARATE ACT; AND

22 (2) FINDS THAT THE PROBATIVE VALUE OF THE EVIDENCE IS NOT
23 SUBSTANTIALLY OUTWEIGHED BY THE DANGER OF UNFAIR PREJUDICE AGAINST
24 THE DEFENDANT.

25 (C) (1) IF THE STATE INTENDS TO OFFER EVIDENCE UNDER THIS
26 SECTION, THE STATE'S ATTORNEY SHALL DISCLOSE THE EVIDENCE TO THE
27 DEFENDANT AT LEAST 15 DAYS BEFORE THE SCHEDULED DATE OF TRIAL,
28 UNLESS THE COURT ALLOWS DISCLOSURE AT A LATER TIME FOR GOOD CAUSE
29 SHOWN.

30 (2) THE DISCLOSURE SHALL INCLUDE STATEMENTS OF
31 WITNESSES OR A SUMMARY OF THE SUBSTANCE OF ANY TESTIMONY THAT THE
32 STATE EXPECTS TO OFFER.

33 (D) (1) EVIDENCE DESCRIBED IN SUBSECTION (B) OF THIS SECTION
34 MAY NOT BE REFERRED TO IN A STATEMENT TO A JURY OR INTRODUCED IN A

1 TRIAL UNLESS THE COURT FIRST HOLDS A CLOSED HEARING AND DETERMINES
2 THAT THE EVIDENCE IS ADMISSIBLE.

3 (2) IF THE COURT DETERMINES THAT ALL OR SOME OF THE
4 EVIDENCE IS ADMISSIBLE, THE COURT SHALL ENTER AN ORDER STATING WHICH
5 EVIDENCE MAY BE INTRODUCED.

6 (3) THE COURT MAY RECONSIDER A RULING EXCLUDING THE
7 EVIDENCE AND HOLD AN ADDITIONAL CLOSED HEARING IF NEW INFORMATION
8 IS DISCOVERED DURING THE COURSE OF THE TRIAL THAT MAY MAKE THE
9 EVIDENCE ADMISSIBLE.

10 (E) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE ADMISSION
11 OR CONSIDERATION OF EVIDENCE UNDER ANY OTHER RULE OR PROVISION OF
12 LAW.

13 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
14 read as follows:

15 **Article – Criminal Procedure**

16 Subtitle 7. **SEX OFFENDER** Registration [of Certain Offenders].

17 11–701.

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

19 (b) “Board” means the Sexual Offender Advisory Board.

20 (c) [“Child sexual offender” means a person who:

21 (1) has been convicted of violating § 3–602 of the Criminal Law
22 Article;

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

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

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

1 (5) (i) has been adjudicated delinquent for an act involving a
2 victim under the age of 15 years that would constitute a violation of § 3–303, § 3–304,
3 § 3–305, or § 3–306 of the Criminal Law Article if committed by an adult; and

4 (ii) meets the requirements for registration under § 11–704(c) of
5 this subtitle.

6 (d)] “Commission” means the Maryland Parole Commission.

7 [(e)] (D) “Employment” means an occupation, job, or vocation that is full
8 time or part time for a period exceeding 14 days or for an aggregate period exceeding
9 30 days during a calendar year, whether financially compensated, volunteered, or for
10 the purpose of government or educational benefit.

11 [(f)] (E) “Extended parole supervision offender” means a person who:

12 (1) is a sexually violent predator;

13 (2) has been convicted of a violation of § 3–303, § 3–304, § 3–305,
14 § 3–306(a)(1) or (2), or § 3–307(a)(1) or (2) of the Criminal Law Article;

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

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

21 (5) has been convicted more than once of a crime as a [child sexual
22 offender, an offender, or a sexually violent offender] **TIER I SEX OFFENDER, TIER II**
23 **SEX OFFENDER, OR TIER III SEX OFFENDER.**

24 (F) (1) **“HABITUALLY LIVES” MEANS ANY PLACE WHERE A PERSON**
25 **LIVES OR SLEEPS WITH ANY REGULARITY, INCLUDING WHERE A HOMELESS**
26 **PERSON IS STATIONED DURING THE DAY OR SLEEPS AT NIGHT.**

27 (2) **“HABITUALLY LIVES” INCLUDES ANY PLACE WHERE A PERSON**
28 **VISITS FOR LONGER THAN 5 HOURS PER VISIT MORE THAN 5 TIMES WITHIN A**
29 **30-DAY PERIOD.**

30 (G) **“HOMELESS” MEANS HAVING NO FIXED RESIDENCE.**

31 (H) **“IMPRISONMENT” MEANS INCARCERATION PURSUANT TO A**
32 **CONVICTION, REGARDLESS OF THE NATURE OF THE INSTITUTION IN WHICH THE**
33 **OFFENDER SERVES THE SENTENCE.**

1 **(I) “JURISDICTION” MEANS A STATE OR A NATIVE AMERICAN TRIBE**
2 **THAT ELECTS TO FUNCTION AS A REGISTRATION JURISDICTION UNDER**
3 **FEDERAL LAW.**

4 **[(g)] (J)** “Local law enforcement unit” means the law enforcement unit in a
5 county that has been designated by resolution of the county governing body as the
6 primary law enforcement unit in the county.

7 **[(h)** “Offender” means a person who is ordered by a court to register under
8 this subtitle and who:

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

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

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

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

18 (5) has been convicted of violating the child pornography statute
19 under § 11–207 of the Criminal Law Article;

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

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

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

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

30 **[(i)] (K)** (1) Except as otherwise provided in this subsection, “release”
31 means any type of release from the custody of a supervising authority.

32 (2) “Release” means:

- 1 (i) release on parole;
- 2 (ii) mandatory supervision release;
- 3 (iii) release from a correctional facility with no required period of
4 supervision;
- 5 (iv) work release;
- 6 (v) placement on home detention; and
- 7 (vi) the first instance of entry into the community that is part of
8 a supervising authority's graduated release program.

9 (3) "Release" does not include:

- 10 (i) an escape; or
- 11 (ii) leave that is granted on an emergency basis.

12 [(j) "Sexually violent offender" means a person who:

- 13 (1) has been convicted of a sexually violent offense;
- 14 (2) has been convicted of an attempt to commit a sexually violent
15 offense; or
- 16 (3) (i) has been adjudicated delinquent for an act involving a
17 victim 15 years of age or older that would constitute a violation of § 3-303, § 3-304, §
18 3-305, or § 3-306 of the Criminal Law Article if committed by an adult; and
- 19 (ii) meets the requirements for registration under § 11-704(c) of
20 this subtitle.]

21 [(k)] (L) "Sexually violent offense" means:

- 22 (1) a violation of §§ 3-303 through 3-307 or §§ 3-309 through 3-312 of
23 the Criminal Law Article;
- 24 (2) assault with intent to commit rape in the first or second degree or
25 a sexual offense in the first or second degree as prohibited on or before September 30,
26 1996, under former Article 27, § 12 of the Code; or
- 27 (3) a crime committed in another [state or in a federal, military, or
28 Native American tribal jurisdiction] **JURISDICTION, FEDERAL OR MILITARY**
29 **COURT, OR FOREIGN COUNTRY** that, if committed in this State, would constitute one
30 of the crimes listed in item (1) or (2) of this subsection.

1 **[l)] (M)** “Sexually violent predator” means[:

2 **(1)]** a person who:

3 **[(i)] (1)** is convicted of a sexually violent offense; and

4 **[(ii)] (2)** has been determined in accordance with this subtitle
5 to be at risk of committing another sexually violent offense[; or

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

9 **(N)** “**SEX OFFENDER**” MEANS A PERSON WHO HAS BEEN CONVICTED OF:

10 **(1)** AN OFFENSE THAT WOULD REQUIRE THE PERSON TO BE
11 CLASSIFIED AS A TIER I SEX OFFENDER, TIER II SEX OFFENDER, OR TIER III SEX
12 OFFENDER;

13 **(2)** AN OFFENSE COMMITTED IN ANOTHER STATE OR IN A
14 FEDERAL, MILITARY, OR TRIBAL JURISDICTION THAT, IF COMMITTED IN THIS
15 STATE, WOULD REQUIRE THE PERSON TO BE CLASSIFIED AS A TIER I SEX
16 OFFENDER, TIER II SEX OFFENDER, OR TIER III SEX OFFENDER; OR

17 **(3)** AN OFFENSE IN A COURT OF CANADA, GREAT BRITAIN,
18 AUSTRALIA, NEW ZEALAND, OR ANY OTHER FOREIGN COUNTRY WHEN THE
19 UNITED STATES DEPARTMENT OF STATE HAS DETERMINED IN ITS COUNTRY
20 REPORTS ON HUMAN RIGHTS PRACTICES THAT AN INDEPENDENT JUDICIARY
21 GENERALLY OR VIGOROUSLY ENFORCED THE RIGHT TO A FAIR TRIAL DURING
22 THE YEAR IN WHICH THE CONVICTION OCCURRED THAT, IF COMMITTED IN THIS
23 STATE, WOULD REQUIRE THE PERSON TO BE CLASSIFIED AS A TIER I SEX
24 OFFENDER, TIER II SEX OFFENDER, OR TIER III SEX OFFENDER.

25 **(O)** “**STUDENT**” MEANS AN INDIVIDUAL WHO IS ENROLLED IN OR
26 ATTENDS AN EDUCATION INSTITUTION, INCLUDING A PUBLIC OR PRIVATE
27 SECONDARY SCHOOL, TRADE OR PROFESSIONAL SCHOOL, OR AN INSTITUTION
28 OF HIGHER EDUCATION.

29 **[(m)] (P)** “Supervising authority” means AN AGENCY OR PERSON THAT IS
30 RESPONSIBLE FOR COLLECTING THE INFORMATION FOR THE INITIAL
31 REGISTRATION OF A SEX OFFENDER AND IS:

32 **(1)** the Secretary, if the registrant is in the custody of a correctional
33 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
5 as 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 time
13 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
19 convicted in another state of a crime that would require the registrant to register if the
20 crime was committed in this State] **LOCAL LAW ENFORCEMENT UNIT WHERE THE
21 SEX OFFENDER IS A RESIDENT, IS A TRANSIENT, OR HABITUALLY LIVES ON
22 MOVING FROM ANOTHER JURISDICTION OR FOREIGN COUNTRY THAT REQUIRES
23 REGISTRATION IF THE SEX OFFENDER IS NOT UNDER THE SUPERVISION,
24 CUSTODY, OR CONTROL OF ANOTHER SUPERVISING AUTHORITY;**

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

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

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

33 (12)] **(9)** the Director of Parole and Probation, if the registrant is
34 under the supervision of the Division of Parole and Probation; or

1 [(13)] (10) the Secretary of Juvenile Services, if the registrant was a
2 minor at the time the act was committed for which registration is required.

3 (Q) “TIER I SEX OFFENDER” MEANS A PERSON WHO HAS BEEN
4 CONVICTED OF:

5 (1) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR
6 COMMITTING A VIOLATION OF § 3-308 OF THE CRIMINAL LAW ARTICLE, ~~IF THE~~
7 ~~VICTIM IS AN ADULT;~~

8 (2) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR
9 COMMITTING A VIOLATION OF § 3-902 OR § 11-208 OF THE CRIMINAL LAW
10 ARTICLE ~~OR THE COMMON LAW OFFENSE OF INDECENT EXPOSURE,~~ IF THE
11 VICTIM IS A MINOR;

12 (3) A CRIME COMMITTED IN A FEDERAL, MILITARY, TRIBAL, OR
13 OTHER JURISDICTION THAT, IF COMMITTED IN THIS STATE, WOULD
14 CONSTITUTE ONE OF THE CRIMES LISTED IN ITEM (1) OR (2) OF THIS
15 SUBSECTION;

16 (4) ANY OF THE FOLLOWING FEDERAL OFFENSES:

17 (I) MISLEADING DOMAIN NAMES ON THE INTERNET UNDER
18 18 U.S.C. § 2252C;

19 (II) MISLEADING WORDS OR DIGITAL IMAGES ON THE
20 INTERNET UNDER 18 U.S.C. § 2252C;

21 (III) ENGAGING IN ILLICIT CONDUCT IN FOREIGN PLACES
22 UNDER 18 U.S.C. § 2423(C);

23 (IV) FAILURE TO FILE A FACTUAL STATEMENT ABOUT AN
24 ALIEN INDIVIDUAL UNDER 18 U.S.C. § 2424;

25 (V) TRANSMITTING INFORMATION ABOUT A MINOR TO
26 FURTHER CRIMINAL SEXUAL CONDUCT UNDER 18 U.S.C. § 2425;

27 (VI) SEX TRAFFICKING BY FORCE, FRAUD, OR COERCION
28 UNDER 18 U.S.C. § 1591; OR

29 (VII) TRAVEL WITH INTENT TO ENGAGE IN ILLICIT CONDUCT
30 UNDER 18 U.S.C. § 2423(B);

31 (5) ANY MILITARY OFFENSE SPECIFIED BY THE SECRETARY OF
32 DEFENSE UNDER SECTION 115(A)(8)(C)(I) OF PUBLIC LAW 105-119 (CODIFIED

1 AT 10 U.S.C. § 951 NOTE) THAT IS SIMILAR TO THOSE OFFENSES LISTED IN
2 ITEM (4) OF THIS SUBSECTION; OR

3 (6) A CRIME IN A COURT OF CANADA, GREAT BRITAIN,
4 AUSTRALIA, NEW ZEALAND, OR ANY OTHER FOREIGN COUNTRY WHERE THE
5 UNITED STATES DEPARTMENT OF STATE HAS DETERMINED IN ITS COUNTRY
6 REPORTS ON HUMAN RIGHTS PRACTICES THAT AN INDEPENDENT JUDICIARY
7 GENERALLY OR VIGOROUSLY ENFORCED THE RIGHT TO A FAIR TRIAL DURING
8 THE YEAR IN WHICH THE CONVICTION OCCURRED THAT, IF THE CRIME WERE
9 COMMITTED IN THIS STATE, WOULD CONSTITUTE ONE OF THE CRIMES LISTED
10 IN ITEMS (1) THROUGH (5) OF THIS SUBSECTION.

11 (R) "TIER II SEX OFFENDER" MEANS A PERSON WHO HAS BEEN
12 CONVICTED OF:

13 (1) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR
14 COMMITTING A VIOLATION OF § 3-307(A)(4) OR (5) OF THE CRIMINAL LAW
15 ARTICLE, OR ~~§ 3-308(B) OR (C), § 3-324, § 3-314, § 3-324, § 11-207, OR §~~
16 ~~11-209~~ OF THE CRIMINAL LAW ARTICLE, IF THE VICTIM IS A MINOR;

17 (2) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR
18 COMMITTING A VIOLATION OF § 11-303, § 11-305, OR § 11-306 OF THE
19 CRIMINAL LAW ARTICLE, IF THE INTENDED PROSTITUTE OR VICTIM IS A
20 MINOR;

21 (3) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR
22 COMMITTING A VIOLATION OF ~~§ 3-308(B)(1) OR (C), § 3-314, § 3-314~~ OR § 3-603
23 OF THE CRIMINAL LAW ARTICLE, IF THE VICTIM IS A MINOR WHO IS AT LEAST
24 14 YEARS OLD;

25 (4) A CRIME THAT WAS COMMITTED IN A FEDERAL, MILITARY,
26 TRIBAL, OR OTHER JURISDICTION THAT, IF COMMITTED IN THIS STATE, WOULD
27 CONSTITUTE ONE OF THE CRIMES LISTED IN ITEMS (1) THROUGH (3) OF THIS
28 SUBSECTION; OR

29 (5) A CRIME IN A COURT OF CANADA, GREAT BRITAIN,
30 AUSTRALIA, NEW ZEALAND, OR ANY OTHER FOREIGN COUNTRY WHERE THE
31 UNITED STATES DEPARTMENT OF STATE HAS DETERMINED IN ITS COUNTRY
32 REPORTS ON HUMAN RIGHTS PRACTICES THAT AN INDEPENDENT JUDICIARY
33 GENERALLY OR VIGOROUSLY ENFORCED THE RIGHT TO A FAIR TRIAL DURING
34 THE YEAR IN WHICH THE CONVICTION OCCURRED THAT, IF THE CRIME WERE
35 COMMITTED IN THIS STATE, WOULD CONSTITUTE ONE OF THE CRIMES LISTED
36 IN ITEMS (1) THROUGH (3) OF THIS SUBSECTION.

1 (S) "TIER III SEX OFFENDER" MEANS A PERSON WHO HAS BEEN
2 CONVICTED OF:

3 (1) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR
4 COMMITTING A VIOLATION OF:

5 (I) § 2-201(4)(VIII), (X), OR (XI) OF THE CRIMINAL LAW
6 ARTICLE; ~~OR~~

7 (II) § 3-303, § 3-304, § 3-305, § 3-306, § 3-307(A)(1) OR (2),
8 § 3-309, § 3-310, § 3-311, § 3-312, § 3-315, ~~§ 3-322~~, § 3-323, § 3-502, OR §
9 3-602 OF THE CRIMINAL LAW ARTICLE, ~~OR THE COMMON LAW OFFENSE OF~~
10 ~~SODOMY; OR~~

11 (III) THE COMMON LAW OFFENSE OF SODOMY OR § 3-322 OF
12 THE CRIMINAL LAW ARTICLE IF THE OFFENSE WAS COMMITTED WITH FORCE
13 OR THREAT OF FORCE;

14 (2) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR
15 COMMITTING A VIOLATION OF § 3-307(A)(3), ~~§ 3-308~~, § 3-314, § 3-503, OR §
16 3-603 OF THE CRIMINAL LAW ARTICLE, IF THE VICTIM IS UNDER THE AGE OF
17 14 YEARS;

18 (3) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR
19 COMMITTING THE COMMON LAW OFFENSE OF FALSE IMPRISONMENT, IF THE
20 VICTIM IS A MINOR;

21 ~~(4) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR~~
22 ~~COMMITTING A VIOLATION OF § 3-202 OR § 3-203 OF THE CRIMINAL LAW~~
23 ~~ARTICLE, IF THE PERSON IS CHARGED WITH A VIOLATION OF § 3-303, § 3-304, §~~
24 ~~3-305, OR § 3-306 OF THE CRIMINAL LAW ARTICLE ARISING OUT OF THE SAME~~
25 ~~INCIDENT;~~

26 ~~(5)~~ (5) A CRIME COMMITTED IN A FEDERAL, MILITARY, TRIBAL, OR
27 OTHER JURISDICTION THAT, IF COMMITTED IN THIS STATE, WOULD
28 CONSTITUTE ONE OF THE CRIMES LISTED IN ITEMS (1) THROUGH ~~(4)~~ (3) OF THIS
29 SUBSECTION; OR

30 ~~(6)~~ (5) A CRIME IN A COURT OF CANADA, GREAT BRITAIN,
31 AUSTRALIA, NEW ZEALAND, OR ANY OTHER FOREIGN COUNTRY WHERE THE
32 UNITED STATES DEPARTMENT OF STATE HAS DETERMINED IN ITS COUNTRY
33 REPORTS ON HUMAN RIGHTS PRACTICES THAT AN INDEPENDENT JUDICIARY
34 GENERALLY OR VIGOROUSLY ENFORCED THE RIGHT TO A FAIR TRIAL DURING
35 THE YEAR IN WHICH THE CONVICTION OCCURRED THAT, IF THE CRIME WERE

1 COMMITTED IN THIS STATE, WOULD CONSTITUTE ONE OF THE CRIMES LISTED
2 IN ITEMS (1) THROUGH ~~(4)~~ (3) OF THIS SUBSECTION.

3 [(n)] (T) “Transient” means a nonresident registrant who enters a county of
4 this State with the intent to be in the State or is in the State for a period exceeding 14
5 days or for an aggregate period exceeding 30 days during a calendar year for a purpose
6 other than employment or to attend an educational institution.

7 11-702.

8 For the purposes of this subtitle, a person is convicted when the person:

9 (1) is found guilty of a crime by a jury or judicial officer;

10 (2) enters a plea of guilty or nolo contendere;

11 (3) is granted a probation before judgment ~~¶~~after a finding of guilt for
12 a crime if the court, as a condition of probation, orders compliance with the
13 requirements of this subtitle~~¶~~; or

14 (4) is found not criminally responsible for a crime.

15 11-702.1.

16 (a) Notwithstanding any other provision of law to the contrary, [except as
17 provided in subsection (b) of this section,] this subtitle shall be applied retroactively to
18 include a [registrant convicted of an offense committed before July 1, 1997, and who is
19 under the custody or supervision of a supervising authority on October 1, 2001] **TIER I**
20 **SEX OFFENDER RELEASED AFTER OCTOBER 1, 1993, FOR A CRIME REQUIRING**
21 **REGISTRATION UNDER THIS SUBTITLE.**

22 (b) Notwithstanding any other provision of law to the contrary, this subtitle
23 shall be applied retroactively to a [child sexual offender who committed the sexual
24 offense on or before October 1, 1995, and who is under the custody or supervision of a
25 supervising authority on October 1, 2001] **TIER II SEX OFFENDER RELEASED AFTER**
26 **OCTOBER 1, 1984.**

27 (c) [(1) Notwithstanding any other provision of law to the contrary, this
28 subtitle shall be applied retroactively to include:

29 (i) a person convicted on or after July 1, 1997, of an offense
30 committed before July 1, 1997, for which registration as a sexually violent predator or
31 sexually violent offender is required under this subtitle; and

32 (ii) a person convicted on or after October 1, 1995, of an offense
33 committed before October 1, 1995, for which registration as a child sexual offender is

1 required under this subtitle.] **NOTWITHSTANDING ANY OTHER PROVISION OF LAW**
2 **TO THE CONTRARY, THIS SUBTITLE SHALL BE APPLIED RETROACTIVELY TO ALL**
3 **TIER III SEX OFFENDERS.**

4 **[(2)] (D)** The Department shall **ATTEMPT TO** contact and notify each
5 person [who is not under the custody or supervision of a supervising authority on
6 October 1, 2009,] for whom registration is required under [paragraph (1) of this
7 subsection] **THIS SECTION.**

8 **(E) THE TERM OF REGISTRATION FOR A SEX OFFENDER REGISTERED**
9 **UNDER SUBSECTION (A) OR (B) OF THIS SECTION SHALL BE CALCULATED FROM**
10 **THE DATE OF RELEASE.**

11 11-703.

12 (a) (1) Subject to subsections (b) and (c) of this section, if a person is
13 convicted of a sexually violent offense, the State's Attorney before sentencing may ask
14 the court to determine whether the person is a sexually violent predator.

15 (2) If the State's Attorney makes a request under paragraph (1) of this
16 subsection, the court shall determine, before or at sentencing, whether the person is a
17 sexually violent predator.

18 (b) In making a determination under subsection (a) of this section, the court
19 shall consider:

20 (1) evidence that the court considers appropriate to the determination
21 of whether the person is a sexually violent predator, including the presentencing
22 investigation and sexually violent offender's inmate record;

23 (2) evidence introduced by the person convicted; and

24 (3) at the request of the State's Attorney, evidence that a victim of the
25 sexually violent offense presents.

26 (c) The State's Attorney may not ask a court to determine whether a person
27 is a sexually violent predator under this section unless the State's Attorney serves
28 written notice of intent to make the request on the defendant or the defendant's
29 counsel at least 30 days before trial.

30 11-704.

31 (a) [Subject to subsection (c) of this section, a] **A** person shall register with
32 the person's supervising authority if the person is:

33 (1) [a child sexual offender] **A TIER I SEX OFFENDER;**

1 (2) [an offender] A **TIER II SEX OFFENDER**;

2 (3) [a sexually violent offender] A **TIER III SEX OFFENDER**; OR

3 (4) [a sexually violent predator;

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

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

11 (7) a child sexual offender, offender, sexually violent offender, or
12 sexually violent predator] A **SEX OFFENDER** who is required to register [in] **BY**
13 another [state,] **JURISDICTION, A FEDERAL, MILITARY, OR TRIBAL COURT, OR A**
14 **FOREIGN GOVERNMENT, AND** who is not a resident of this State, and who enters this
15 State:

16 (i) **TO BEGIN RESIDING OR TO HABITUALLY LIVE;**

17 **(II)** to carry on employment;

18 **[(ii)] (III)** to attend a public or private educational institution,
19 including a secondary school, trade or professional institution, or institution of higher
20 education, as a full-time or part-time student; or

21 **[(iii)] (IV)** as a transient.

22 (b) Notwithstanding any other provision of law, a person is no longer subject
23 to registration under this subtitle if:

24 (1) the underlying conviction requiring registration is reversed,
25 vacated, or set aside; or

26 (2) the registrant is pardoned for the underlying conviction.

27 ~~f(c)~~ (1) A person ~~described under § 11-701(e)(5)(i) of this subtitle, or a~~
28 ~~person described under § 11-701(j)(3)(i) of this subtitle~~ **WHO HAS BEEN**
29 **ADJUDICATED DELINQUENT FOR AN ACT THAT, IF COMMITTED BY AN ADULT,**
30 **WOULD CONSTITUTE A VIOLATION OF § 3-303, § 3-304, § 3-305, OR § 3-306 OF**
31 **THE CRIMINAL LAW ARTICLE, OR § 3-307(A)(1) OR (2) OR § 3-308(B)(1) OF THE**
32 **CRIMINAL LAW ARTICLE INVOLVING CONDUCT DESCRIBED IN § 3-301(F)(2) OF**

1 THE CRIMINAL LAW ARTICLE, shall register with the person's supervising authority
2 if:

3 (i) the person was a minor who was at least 13 years old at the
4 time the delinquent act was committed;

5 (ii) the State's Attorney or the Department of Juvenile Services
6 requests that the person be required to register;

7 (iii) 90 days prior to the time the juvenile court's jurisdiction
8 over the person terminates under § 3-8A-07 of the Courts Article, the court, after a
9 hearing, determines under a clear and convincing evidence standard that the person is
10 at significant risk of committing a sexually violent offense or an offense for which
11 registration as a ~~child sexual~~ TIER II SEX OFFENDER OR TIER III SEX offender is
12 required; and

13 (iv) the person is at least 18 years old.

14 (2) If the person has committed a delinquent act that would cause the
15 court to make a determination regarding registration under paragraph (1) of this
16 subsection:

17 (i) the State's Attorney shall serve written notice to the person
18 or the person's counsel at least 30 days before a hearing to determine if the person is
19 required to register under this section; and

20 (ii) the Department of Juvenile Services shall:

21 1. provide the court with any information necessary to
22 make the determination; and

23 2. conduct any follow-up the court requires.

24 (3) The form of petitions and all other pleadings under this subsection
25 and, except as otherwise provided under Title 3 of the Courts and Judicial Proceedings
26 Article, the procedures to be followed by the court under this subsection shall be
27 specified in the Maryland Rules.

28 (4) The court may order an evaluation of the person in making the
29 determination under paragraph (1) of this subsection.†

30 **11-704.1.**

31 ~~A PERSON WHO IS UNDER THE AGE OF 18 AT THE TIME THE PERSON~~
32 ~~COMMITTS AN OFFENSE THAT REQUIRES REGISTRATION AS A TIER I SEX~~
33 ~~OFFENDER, TIER II SEX OFFENDER, OR TIER III SEX OFFENDER MUST REGISTER~~
34 ~~IF:~~

1 ~~(1) CRIMINAL JURISDICTION OVER THE PERSON HAS BEEN~~
2 ~~WAIVED TO AN ADULT COURT AND THE PERSON HAS BEEN CONVICTED AS~~
3 ~~REQUIRED BY THIS SUBTITLE;~~

4 ~~(2) THE PERSON IS AT LEAST 14 YEARS OLD AND HAS BEEN~~
5 ~~ADJUDICATED DELINQUENT FOR A VIOLATION OF § 3-303, § 3-304, § 3-305, OR~~
6 ~~§ 3-306 OF THE CRIMINAL LAW ARTICLE; OR~~

7 ~~(3) THE PERSON IS AT LEAST 14 YEARS OLD AND HAS BEEN~~
8 ~~ADJUDICATED DELINQUENT FOR A VIOLATION OF § 3-307(A)(1) OR~~
9 ~~§ 3-307(A)(2) OF THE CRIMINAL LAW ARTICLE, IF THE VICTIM IS A CHILD~~
10 ~~UNDER THE AGE OF 12.~~

11 (A) A PERSON SHALL BE INCLUDED IN A LISTING OF JUVENILE SEX
12 OFFENDERS THAT IS MAINTAINED BY THE DEPARTMENT SEPARATELY FROM
13 THE SEX OFFENDER REGISTRY IF:

14 (1) THE PERSON HAS BEEN ADJUDICATED DELINQUENT FOR AN
15 ACT THAT, IF COMMITTED BY AN ADULT, WOULD CONSTITUTE A VIOLATION OF §
16 3-303, § 3-304, § 3-305, OR § 3-306 OF THE CRIMINAL LAW ARTICLE, OR §
17 3-307(A)(1) OR (2) OR § 3-308(B)(1) OF THE CRIMINAL LAW ARTICLE
18 INVOLVING CONDUCT DESCRIBED IN § 3-301(F)(2) OF THE CRIMINAL LAW
19 ARTICLE; AND

20 (2) THE PERSON WAS A MINOR WHO WAS AT LEAST 13 YEARS OLD
21 AT THE TIME THE DELINQUENT ACT WAS COMMITTED.

22 (B) THE LISTING OF JUVENILE SEX OFFENDERS SHALL BE ACCESSIBLE
23 ONLY BY LAW ENFORCEMENT PERSONNEL FOR LAW ENFORCEMENT PURPOSES.

24 (C) WHEN THE JUVENILE COURT'S JURISDICTION OVER A PERSON WHO
25 IS INCLUDED IN THE LISTING OF JUVENILE SEX OFFENDERS TERMINATES
26 UNDER § 3-8A-07 OF THE COURTS ARTICLE, THE PERSON SHALL BE REMOVED
27 FROM THE LISTING.

28 11-704.2.

29 (A) ON WRITTEN REQUEST BY A FEDERAL AGENCY OPERATING A
30 FEDERAL WITNESS SECURITY PROGRAM ESTABLISHED UNDER 18 U.S.C. 3521,
31 THE REGISTRATION REQUIREMENT FOR A SEX OFFENDER UNDER THE
32 PROTECTION OF A FEDERAL WITNESS SECURITY PROGRAM IS WAIVED AND THE
33 PERSON UNDER PROTECTION IS EXEMPT FROM REGISTRATION.

1 **(B) ON WRITTEN REQUEST BY A NONFEDERAL AGENCY THAT OPERATES**
 2 **A WITNESS PROTECTION PROGRAM COMPARABLE TO A FEDERAL PROGRAM**
 3 **ESTABLISHED UNDER 18 U.S.C. 3521, THE REGISTRATION REQUIREMENT FOR A**
 4 **SEX OFFENDER UNDER THE PROTECTION OF A WITNESS PROTECTION PROGRAM**
 5 **IS WAIVED AND THE PERSON UNDER PROTECTION IS EXEMPT FROM**
 6 **REGISTRATION.**

7 **(C) A WAIVER GRANTED UNDER THIS SECTION IS TERMINATED, AND**
 8 **REGISTRATION IS REQUIRED, IF A SEX OFFENDER EXEMPTED FROM**
 9 **REGISTRATION UNDER THIS SECTION SUBSEQUENTLY IS CONVICTED OF AN**
 10 **OFFENSE THAT REQUIRES REGISTRATION UNDER THIS SUBTITLE.**

11 11-705.

12 (a) In this section, “resident” means a person who [lives] **HAS A HOME OR**
 13 **AN OTHER PLACE THAT THE PERSON HABITUALLY LIVES LOCATED** in this State
 14 when the person:

- 15 (1) is released;
- 16 (2) is granted probation;
- 17 (3) is granted a suspended sentence; **OR**
- 18 (4) receives a sentence that does not include a term of imprisonment[;
- 19 or

20 (5) is released from the juvenile court’s jurisdiction under § 3-8A-07
 21 of the Courts Article, if the person was a minor who lived in the State at the time the
 22 act was committed for which registration is required].

23 (b) A registrant shall register with the **APPROPRIATE** supervising authority
 24 **IN THE STATE:**

25 (1) [if the registrant is a resident, on or] **IF THE REGISTRANT WAS**
 26 **SENTENCED TO A TERM OF IMPRISONMENT** before the date that the registrant[.] **IS**
 27 **RELEASED; OR**

28 **(2) WITHIN 3 DAYS OF THE DATE THAT THE REGISTRANT:**

29 (i) is released;]

30 (ii) **(I)** is granted probation before judgment;

31 (iii) **(II)** is granted probation after judgment;

1 [(iv)] (III) is granted a suspended sentence; or

2 [(v)] (IV) receives a sentence that does not include a term of
3 imprisonment;

4 [(2) if the registrant was a resident who was a minor at the time the
5 act was committed for which registration is required, within 7 days after the juvenile
6 court's jurisdiction over the person terminates under § 3-8A-07 of the Courts Article;]

7 (3) if the registrant moves into the State, within [7] 3 days after the
8 earlier of the date that the registrant:

9 (i) establishes a temporary or permanent residence in the
10 State; [or]

11 (ii) **BEGINS TO HABITUALLY LIVE IN THE STATE; OR**

12 (iii) applies for a driver's license in the State; or

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

15 (i) begins employment in the State;

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

17 (iii) enters the State as a transient.

18 (c) (1) A [child sexual] **SEX** offender shall also register in person with the
19 local law enforcement unit of ~~the~~ **EACH** county where the [child sexual] **SEX** offender
20 [will reside] **RESIDES WITHIN 3 DAYS OF:**

21 (i) [within 7 days after release, or within 7 days after the
22 juvenile court's jurisdiction over the person terminates under § 3-8A-07 of the Courts
23 Article, if the child sexual offender is a resident] **RELEASE FROM ANY PERIOD OF**
24 **IMPRISONMENT OR ARREST;** or

25 (ii) [within 7 days] ~~after~~ registering with the supervising
26 authority, if the registrant is moving into this State **AND THE LOCAL LAW**
27 **ENFORCEMENT UNIT IS NOT THE SUPERVISING AUTHORITY.**

28 (2) [Within 7 days after registering with the supervising authority, a
29 child sexual offender who is not a resident and has entered the State under
30 § 11-704(a)(7) of this subtitle shall also register in person with the local law

1 enforcement unit of the county where the child sexual offender is a transient or will
2 work or attend school.

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

6 (d) (1) **A HOMELESS REGISTRANT ALSO SHALL REGISTER IN PERSON**
7 **WITH THE LOCAL LAW ENFORCEMENT UNIT IN ~~THE~~ EACH COUNTY WHERE THE**
8 **REGISTRANT HABITUALLY LIVES:**

9 (i) **WITHIN 3 DAYS AFTER THE EARLIER OF THE DATE OF**
10 **RELEASE OR AFTER REGISTERING WITH THE SUPERVISING AUTHORITY; AND**

11 (ii) **WITHIN ~~24 HOURS~~ 3 DAYS AFTER ENTERING AND**
12 **REMAINING IN A COUNTY.**

13 (2) **AFTER INITIALLY REGISTERING WITH ~~THE~~ A LOCAL LAW**
14 **ENFORCEMENT UNIT UNDER THIS SUBSECTION, A HOMELESS REGISTRANT**
15 **SHALL REGISTER ONCE A WEEK IN PERSON DURING THE TIME THE HOMELESS**
16 **REGISTRANT HABITUALLY LIVES IN THE COUNTY.**

17 (3) **THE REGISTRATION REQUIREMENTS UNDER THIS**
18 **SUBSECTION ARE IN ADDITION TO ANY OTHER REQUIREMENTS THE HOMELESS**
19 **REGISTRANT IS SUBJECT TO ACCORDING TO THE REGISTRANT'S**
20 **CLASSIFICATION AS A TIER I SEX OFFENDER, TIER II SEX OFFENDER, TIER III**
21 **SEX OFFENDER, OR SEXUALLY VIOLENT PREDATOR.**

22 (4) **IF A REGISTRANT WHO WAS HOMELESS OBTAINS A FIXED**
23 **ADDRESS, THE REGISTRANT SHALL REGISTER WITH THE APPROPRIATE**
24 **SUPERVISING AUTHORITY AND LOCAL LAW ENFORCEMENT UNIT WITHIN 3 DAYS**
25 **AFTER OBTAINING A FIXED ADDRESS.**

26 (E) [A] **WITHIN 3 DAYS OF ANY CHANGE, A registrant [who changes**
27 **residences shall send written notice of the change to the State registry within 5 days**
28 **after the change occurs.] SHALL NOTIFY THE LOCAL LAW ENFORCEMENT UNIT**
29 **WHERE THE REGISTRANT MOST RECENTLY REGISTERED AND ~~THE~~ EACH LOCAL**
30 **LAW ENFORCEMENT UNIT WHERE THE REGISTRANT WILL RESIDE OR**
31 **HABITUALLY LIVE OF CHANGES IN:**

32 (1) **RESIDENCE;**

33 (2) **THE COUNTY IN WHICH THE REGISTRANT HABITUALLY LIVES;**

34 (3) **VEHICLE OR LICENSE PLATE INFORMATION;**

- 1 **(4) ELECTRONIC MAIL OR INTERNET IDENTIFIERS;**
 2 **(5) HOME OR CELL PHONE NUMBERS; OR**
 3 **(6) EMPLOYMENT.**

4 **[(e)] (F) (1)** A registrant who commences or terminates enrollment as a
 5 full-time or part-time student at an institution of higher education in the State shall
 6 **[send written notice to the State registry] PROVIDE NOTICE IN PERSON TO THE**
 7 **LOCAL LAW ENFORCEMENT UNIT WHERE THE INSTITUTION OF HIGHER**
 8 **EDUCATION IS LOCATED** within **[5] 3** days after the commencement or termination
 9 of enrollment.

10 **(2)** A registrant who commences or terminates carrying on
 11 employment at an institution of higher education in the State shall **[send written**
 12 **notice to the State registry] PROVIDE NOTICE IN PERSON TO THE LOCAL LAW**
 13 **ENFORCEMENT UNIT WHERE THE INSTITUTION OF HIGHER EDUCATION IS**
 14 **LOCATED** within **[5] 3** days after the commencement or termination of employment.

15 **[(f)] (G)** A registrant who is granted a legal change of name by a court shall
 16 send written notice of the change to ~~the~~ **EACH** **[State registry] LOCAL LAW**
 17 **ENFORCEMENT UNIT WHERE THE REGISTRANT RESIDES OR HABITUALLY LIVES**
 18 within **[5] 3** days after the change is granted.

19 **(H) A REGISTRANT SHALL NOTIFY ~~THE~~ EACH LOCAL LAW**
 20 **ENFORCEMENT UNIT WHERE THE REGISTRANT RESIDES OR HABITUALLY LIVES**
 21 **AT LEAST 3 DAYS PRIOR TO LEAVING THE UNITED STATES TO COMMENCE**
 22 **RESIDENCE OR EMPLOYMENT OR ATTEND SCHOOL IN A FOREIGN COUNTRY.**

23 **(I) (1) A REGISTRANT SHALL NOTIFY ~~THE~~ EACH LOCAL LAW**
 24 **ENFORCEMENT UNIT WHERE THE REGISTRANT RESIDES OR HABITUALLY LIVES**
 25 **WHEN THE REGISTRANT OBTAINS A TEMPORARY RESIDENCE OR ALTERS THE**
 26 **LOCATION WHERE THE REGISTRANT RESIDES OR HABITUALLY LIVES FOR MORE**
 27 **THAN 7 DAYS OR WHEN THE REGISTRANT WILL BE ABSENT FROM THE**
 28 **REGISTRANT'S RESIDENCE OR A LOCATION WHERE THE REGISTRANT RESIDES**
 29 **OR HABITUALLY LIVES FOR MORE THAN 7 DAYS.**

30 **(2) NOTIFICATION UNDER THIS SUBSECTION SHALL:**

31 **(I) BE MADE IN WRITING OR IN PERSON PRIOR TO**
 32 **OBTAINING A TEMPORARY RESIDENCE, COMMENCING THE PERIOD OF ABSENCE,**
 33 **OR TEMPORARILY ALTERING ~~THE~~ A LOCATION WHERE THE REGISTRANT**
 34 **RESIDES OR HABITUALLY LIVES;**

1 (II) INCLUDE THE TEMPORARY ADDRESS OR DETAILED
2 DESCRIPTION OF THE TEMPORARY LOCATION WHERE THE REGISTRANT WILL
3 RESIDE OR HABITUALLY LIVE; AND

4 (III) CONTAIN THE ANTICIPATED DATES THAT THE
5 TEMPORARY RESIDENCE OR LOCATION WILL BE USED BY THE REGISTRANT AND
6 THE ANTICIPATED DATES THAT THE REGISTRANT WILL BE ABSENT FROM THE
7 REGISTRANT'S PERMANENT RESIDENCE OR ~~LOCATION~~ LOCATIONS WHERE THE
8 REGISTRANT REGULARLY RESIDES OR HABITUALLY LIVES.

9 (J) A REGISTRANT WHO ESTABLISHES A NEW ELECTRONIC MAIL
10 ADDRESS, COMPUTER LOG-IN OR SCREEN NAME OR IDENTITY,
11 INSTANT-MESSAGE IDENTITY, OR ELECTRONIC CHAT ROOM IDENTITY SHALL
12 SEND WRITTEN NOTICE OF THE NEW INFORMATION TO THE STATE REGISTRY
13 WITHIN 3 DAYS AFTER THE ELECTRONIC MAIL ADDRESS, COMPUTER LOG-IN OR
14 SCREEN NAME OR IDENTITY, INSTANT-MESSAGE IDENTITY, OR ELECTRONIC
15 CHAT ROOM IDENTITY IS ESTABLISHED.

16 11-706.

17 (a) [A] FOR ALL SEX OFFENDERS IN THE STATE, A registration statement
18 shall include:

19 (1) the registrant's full name, including any suffix, and ~~address OR~~
20 ~~PLACE~~ ALL ADDRESSES AND PLACES WHERE THE REGISTRANT RESIDES OR
21 HABITUALLY LIVES;

22 (2) [(i) for a registrant under § 11-704(a)(7)(i) of this subtitle or
23 who is on work release, the registrant's place of employment; or] THE NAME AND
24 ADDRESS OF THE REGISTRANT'S EMPLOYER AND A DESCRIPTION OF THE
25 LOCATION WHERE THE REGISTRANT PERFORMS EMPLOYMENT DUTIES, IF THAT
26 LOCATION DIFFERS FROM THE ADDRESS OF THE EMPLOYER;

27 [(ii) for a registrant under § 11-704(a)(7)(ii) of this subtitle, the
28 registrant's place of educational institution or school enrollment;]

29 (3) [(i) for a registrant enrolled, or expecting to enroll, in an
30 institution of higher education in the State as a full-time or part-time student, the
31 name and address of the institution of higher education; or

32 [(ii) for a registrant who carries on employment, or expects to
33 carry on employment, at an institution of higher education in the State, the name and
34 address of the institution of higher education] THE NAME OF THE REGISTRANT'S
35 EDUCATIONAL INSTITUTION OR PLACE OF SCHOOL ENROLLMENT AND THE
36 REGISTRANT'S EDUCATIONAL INSTITUTION OR SCHOOL ADDRESS;

1 (4) a description of the crime for which the registrant was convicted;

2 (5) the date that the registrant was convicted;

3 (6) the jurisdiction **AND THE NAME OF THE COURT** in which the
4 registrant was convicted;

5 (7) a list of any aliases, former names, **NAMES BY WHICH THE**
6 **REGISTRANT LEGALLY HAS BEEN KNOWN, TRADITIONAL NAMES GIVEN BY**
7 **FAMILY OR CLAN UNDER ETHNIC OR TRIBAL TRADITION**, electronic mail
8 addresses, computer log-in or screen names or identities, instant-messaging
9 identities, and electronic chat room identities that the registrant has used;

10 (8) the registrant's Social Security number **AND ANY PURPORTED**
11 **SOCIAL SECURITY NUMBERS, THE REGISTRANT'S DATE OF BIRTH, OR**
12 **PURPORTED DATES OF BIRTH, AND PLACE OF BIRTH;**

13 (9) [any other name by which the registrant has been legally known]
14 **ANY IDENTIFYING FACTORS, INCLUDING A PHYSICAL DESCRIPTION;**

15 (10) [a copy of the registrant's valid driver's license or identification
16 card;] **A COPY OF THE REGISTRANT'S PASSPORT OR IMMIGRATION PAPERS;**

17 **(11) INFORMATION REGARDING ANY PROFESSIONAL LICENSES**
18 **THE REGISTRANT HOLDS;**

19 ~~[(11)]~~ **(12)** the license plate number **OR REGISTRATION NUMBER** and
20 description of any vehicle, **INCLUDING ALL MOTOR VEHICLES, BOATS, AND**
21 **AIRCRAFT**, owned or regularly operated by the registrant; [and]

22 **(13) THE PERMANENT OR FREQUENT ADDRESS OR LOCATIONS**
23 **WHERE ALL VEHICLES ARE KEPT;**

24 **(14) TELEPHONE NUMBERS AND ANY OTHER DESIGNATIONS USED**
25 **BY THE SEX OFFENDER FOR THE PURPOSES OF ROUTING OR**
26 **SELF-IDENTIFICATION IN TELEPHONIC COMMUNICATIONS, LANDLINE**
27 **TELEPHONE NUMBERS, AND CELL PHONE NUMBERS;**

28 **(15) A COPY OF THE REGISTRANT'S VALID DRIVER'S LICENSE OR**
29 **IDENTIFICATION CARD;**

30 **(16) THE REGISTRANT'S FINGERPRINTS AND PALM PRINTS;**

1 **(17) THE CRIMINAL HISTORY OF THE SEX OFFENDER, INCLUDING:**
2 **THE DATE OF ALL ARRESTS AND CONVICTIONS, THE STATUS OF PAROLE,**
3 **PROBATION, OR SUPERVISED RELEASE, REGISTRATION STATUS, AND THE**
4 **EXISTENCE OF ANY OUTSTANDING ARREST WARRANTS; AND**

5 **[(12)] (18)** the registrant's signature and date signed.

6 (b) If the registrant is **DETERMINED TO BE** a sexually violent predator, the
7 registration statement shall also include:

8 (1) [identifying factors, including a physical description;

9 (2)] anticipated future residence, if known at the time of registration;

10 **AND**

11 **[(3)** offense history; and]

12 **[(4)] (2)** documentation of treatment received for a mental
13 abnormality or personality disorder.

14 11-707.

15 (a) (1) (i) A [child sexual] **TIER I SEX OFFENDER AND A TIER II SEX**
16 **offender shall register in person every 6 months with a local law enforcement unit for**
17 **the term provided under paragraph (4) of this subsection.**

18 (ii) Registration shall include a [photograph] **DIGITAL IMAGE**
19 **that shall be updated every 6 months.**

20 (2) (i) [An offender and a sexually violent] **A TIER III SEX**
21 **offender shall register in person every [6] 3 months with a local law enforcement unit**
22 **for the term provided under paragraph (4) of this subsection.**

23 (ii) Registration shall include a [photograph] **DIGITAL IMAGE**
24 **that shall be updated every 6 months.**

25 (3) (i) A sexually violent predator shall register in person every 3
26 months **WITH A LOCAL LAW ENFORCEMENT UNIT** for the term provided under
27 paragraph **[(4)(ii)] (4)** of this subsection.

28 (ii) Registration shall include a [photograph] **DIGITAL IMAGE**
29 **that shall be updated every 6 months.**

30 (4) [The] **SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE**
31 **term of registration is:**

1 (i) [except as provided in items (ii) and (iii) of this paragraph,
2 10 years] **15 YEARS, IF THE REGISTRANT IS A TIER I SEX OFFENDER;**

3 **(II) 25 YEARS, IF THE REGISTRANT IS A TIER II SEX**
4 **OFFENDER; OR**

5 **[(ii) (III)** [except as provided in item (iii) of this paragraph,] the
6 life of the registrant, if[:

7 1. the registrant is a sexually violent predator;

8 2. the registrant has been convicted of a sexually violent
9 offense;

10 3. the registrant has been convicted of a violation of
11 § 3-602 of the Criminal Law Article for commission of a sexual act involving
12 penetration of a child under the age of 12 years; or

13 4. the registrant has been convicted of a prior crime as a
14 child sexual offender, an offender, or a sexually violent offender; or] **THE**
15 **REGISTRANT IS A TIER III SEX OFFENDER.**

16 **[(iii)** up to 5 years, if the registrant is a person described under §
17 11-701(c)(5)(i) of this subtitle or a person described under § 11-701(j)(3)(i) of this
18 subtitle, subject to reduction by the juvenile court on the filing of a petition by the
19 registrant for a reduction in the term of registration.]

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

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

24 (1) the last date of release;

25 (2) the date granted probation; **OR**

26 (3) the date granted a suspended sentence[; or

27 (4) the date the juvenile court's jurisdiction over the registrant
28 terminates under § 3-8A-07 of the Courts Article if the registrant was a minor who
29 lived in the State at the time the act was committed for which registration is
30 required].

1 **(C) (1) THE TERM OF REGISTRATION FOR A TIER I SEX OFFENDER**
2 **SHALL BE REDUCED TO 10 YEARS IF, IN THE 10 YEARS FOLLOWING THE DATE ON**
3 **WHICH THE REGISTRANT WAS REQUIRED TO REGISTER, THE REGISTRANT:**

4 **(I) IS NOT CONVICTED OF ANY OFFENSE FOR WHICH A**
5 **TERM OF IMPRISONMENT OF MORE THAN 1 YEAR MAY BE IMPOSED;**

6 **(II) IS NOT CONVICTED OF ANY SEX OFFENSE;**

7 **(III) SUCCESSFULLY COMPLETES, WITHOUT REVOCATION,**
8 **ANY PERIOD OF SUPERVISED RELEASE, PAROLE, OR PROBATION; AND**

9 **(IV) SUCCESSFULLY COMPLETES AN APPROPRIATE SEX**
10 **OFFENDER TREATMENT PROGRAM CERTIFIED BY THE STATE.**

11 **(2) THE TERM OF REGISTRATION FOR A REGISTRANT CONVICTED**
12 **OF A TIER III SEX OFFENSE, WHO WAS REQUIRED TO REGISTER ON THE BASIS**
13 **OF A JUVENILE ADJUDICATION, SHALL BE REDUCED TO 25 YEARS IF, IN THE 25**
14 **YEARS FOLLOWING THE DATE ON WHICH THE REGISTRANT WAS REQUIRED TO**
15 **REGISTER, THE REGISTRANT:**

16 **(I) IS NOT CONVICTED OF ANY OFFENSE FOR WHICH A**
17 **TERM OF IMPRISONMENT OF MORE THAN 1 YEAR MAY BE IMPOSED;**

18 **(II) IS NOT CONVICTED OF ANY SEX OFFENSE;**

19 **(III) SUCCESSFULLY COMPLETES, WITHOUT REVOCATION,**
20 **ANY PERIOD OF SUPERVISED RELEASE, PAROLE, OR PROBATION; AND**

21 **(IV) SUCCESSFULLY COMPLETES AN APPROPRIATE SEX**
22 **OFFENDER TREATMENT PROGRAM CERTIFIED BY THE STATE.**

23 11-708.

24 (a) When a registrant registers, the supervising authority shall:

25 (1) give written notice to the registrant of the requirements of this
26 subtitle;

27 (2) explain the requirements of this subtitle to the registrant,
28 including:

29 (i) the duties of a registrant when the registrant changes
30 residence address in this State **OR CHANGES THE COUNTY IN WHICH THE**
31 **REGISTRANT HABITUALLY LIVES;**

1 (ii) the duties of a registrant under [§ 11-705(e) and (f)]
2 **§ 11-705** of this subtitle;

3 (iii) the requirement for a [child sexual] **SEX** offender to register
4 in person with the local law enforcement unit of ~~the~~ **EACH** county where the [child
5 sexual] **SEX** offender will reside **OR HABITUALLY LIVE** or where the [child sexual]
6 **SEX** offender who is not a resident of this State is a transient or will work or attend
7 school; and

8 (iv) the requirement that if the registrant changes residence
9 address, employment, or school enrollment to another state that has a registration
10 requirement, the registrant shall register with the designated law enforcement unit
11 **OR SEX OFFENDER REGISTRATION UNIT** of that state within [7] **3** days after the
12 change; and

13 (3) obtain a statement signed by the registrant acknowledging that
14 the supervising authority explained the requirements of this subtitle and gave written
15 notice of the requirements to the registrant.

16 (b) (1) The supervising authority shall obtain an updated [photograph
17 and fingerprints] **DIGITAL IMAGE, FINGERPRINTS, AND PALM PRINTS** of the
18 registrant and [attach] **FORWARD** the updated [photograph and fingerprints]
19 **DIGITAL IMAGE, FINGERPRINTS, AND PALM PRINTS** to the [registration statement]
20 **DEPARTMENT**.

21 (2) For a registrant who has not submitted a DNA sample, as defined
22 in § 2-501 of the Public Safety Article, for inclusion in the statewide DNA database
23 system of the Department of State Police Crime Laboratory, the supervising authority
24 shall:

25 (i) obtain a DNA sample from the registrant at the registrant's
26 initial registration; and

27 (ii) provide the sample to the statewide DNA database system of
28 the Department of State Police Crime Laboratory.

29 [(3) This subsection does not apply if the registrant is required to
30 register under § 11-704 of this subtitle solely as a result of a misdemeanor conviction.]

31 (c) (1) Within [5] **3** days after obtaining a registration statement, the
32 supervising authority shall send a copy of the registration statement with the attached
33 fingerprints [and updated photograph], **PALM PRINTS, AND UPDATED DIGITAL**
34 **IMAGE** of the registrant to the local law enforcement unit in ~~the~~ **EACH** county where
35 the registrant will reside **OR HABITUALLY LIVE** or where a registrant who is not a
36 resident is a transient or will work or attend school.

1 (2) (i) If the registrant is enrolled in or carries on employment at,
2 or is expecting to enroll in or carry on employment at, an institution of higher
3 education in the State, within [5] 3 days after obtaining a registration statement, the
4 supervising authority shall send a copy of the registration statement with the attached
5 fingerprints [and updated photograph], **PALM PRINTS, AND UPDATED DIGITAL**
6 **IMAGE** of the registrant to the campus police agency of the institution of higher
7 education.

8 (ii) If an institution of higher education does not have a campus
9 police agency, the copy of the registration statement with the attached fingerprints
10 [and updated photograph], **PALM PRINTS, AND UPDATED DIGITAL IMAGE** of the
11 registrant shall be provided to the local law enforcement agency having primary
12 jurisdiction for the campus.

13 (d) As soon as possible but not later than [5] 3 working days after the
14 registration is complete, a supervising authority that is not a unit of the Department
15 shall send the registration statement to the Department.

16 11-709.

17 (a) (1) (i) [Every 3 months within 5] **WITHIN 3** days after a **TIER III**
18 **SEX OFFENDER OR A** sexually violent predator completes the registration
19 requirements of § 11-707(a) of this subtitle, a local law enforcement unit shall send
20 notice of the **TIER III SEX OFFENDER'S OR** sexually violent predator's quarterly
21 registration to the Department.

22 (ii) Every 6 months within [5] 3 days after a [child sexual
23 offender] **TIER I SEX OFFENDER OR A TIER II SEX OFFENDER** completes the
24 registration requirements of § 11-707(a) of this subtitle, a local law enforcement unit
25 shall send notice of the [child sexual offender's] **TIER I SEX OFFENDER'S OR A TIER**
26 **II SEX OFFENDER'S** biannual registration to the Department.

27 (2) Every 6 months, a local law enforcement unit shall send a [child
28 sexual] **TIER III SEX** offender's and sexually violent predator's updated [photograph]
29 **DIGITAL IMAGE** to the Department within 6 days after the [photograph] **DIGITAL**
30 **IMAGE** is submitted.

31 (b) (1) As soon as possible but not later than [5] 3 working days after
32 receiving a registration statement of a [child sexual offender or] **SEX OFFENDER,**
33 notice of a change of address of a [child sexual] **SEX** offender, **OR CHANGE IN THE A**
34 **COUNTY IN WHICH A HOMELESS SEX OFFENDER HABITUALLY LIVES,** a local law
35 enforcement unit shall send written notice of the registration statement [or], change
36 of address, **OR CHANGE OF COUNTY** to the county superintendent, as defined in
37 § 1-101 of the Education Article, and all nonpublic primary and secondary schools in
38 the county within 1 mile of where the [child sexual] **SEX** offender is to reside **OR**

1 **HABITUALLY LIVE** or where a [child sexual] **SEX** offender who is not a resident of the
2 State is a transient or will work or attend school.

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

9 (c) A local law enforcement unit that receives a notice from a supervising
10 authority under this subtitle shall send a copy of the notice to the police department, if
11 any, of a municipal corporation if the registrant:

12 (1) is to reside **OR HABITUALLY LIVE** in the municipal corporation
13 after release;

14 (2) escapes from a facility but resided **OR HABITUALLY LIVED** in the
15 municipal corporation before being committed to the custody of a supervising
16 authority; or

17 (3) is to change addresses to another place of residence within the
18 municipal corporation.

19 (d) As soon as possible but not later than **[5] 3** working days after receiving
20 notice from a local law enforcement unit under this section, a police department of a
21 municipal corporation shall send a copy of the notice to the commander of ~~the~~ **EACH**
22 local police precinct or district in which the [child sexual] **SEX** offender is to reside **OR**
23 **HABITUALLY LIVE** or where a [child sexual] **SEX** offender who is not a resident of the
24 State will work or attend school.

25 (e) As soon as possible but not later than **[5] 3** working days after receiving a
26 notice from a supervising authority under this subtitle, a local law enforcement unit
27 shall send a copy of the notice to the commander of the law enforcement unit in ~~the~~
28 **EACH** district or area in which the [child sexual] **SEX** offender is to reside **OR**
29 **HABITUALLY LIVE** or where a [child sexual] **SEX** offender who is not a resident of the
30 State will work or attend school.

31 (f) A local law enforcement unit may notify the following entities that are
32 located within the community in which a [child sexual] **SEX** offender is to reside **OR**
33 **HABITUALLY LIVE** or where a [child sexual] **SEX** offender who is not a resident of the
34 State will work or attend school of the filing of a registration statement or notice of
35 change of address **OR COUNTY WHERE THE REGISTRANT WILL HABITUALLY LIVE**
36 by the [child sexual] **SEX** offender:

1 (1) family day care homes or child care centers registered [or
2 licensed], LICENSED, OR ISSUED A LETTER OF COMPLIANCE under Title 5, Subtitle
3 5 of the Family Law Article;

4 (2) child recreation facilities;

5 (3) faith institutions; and

6 (4) other organizations that serve children and other individuals
7 vulnerable to [child sexual] SEX offenders WHO VICTIMIZE CHILDREN.

8 (G) AS SOON AS POSSIBLE, BUT NOT LATER THAN 3 WORKING DAYS
9 AFTER RECEIPT OF A REGISTRANT'S CHANGE OF RESIDENCE OR CHANGE IN ~~THE~~
10 A COUNTY IN WHICH THE REGISTRANT HABITUALLY LIVES, THE LOCAL LAW
11 ENFORCEMENT UNIT SHALL NOTIFY THE DEPARTMENT OF THE CHANGE.

12 (H) AS SOON AS POSSIBLE, BUT NOT LATER THAN 3 WORKING DAYS
13 AFTER RECEIPT OF NOTICE UNDER § 11-705(E) OF THIS SUBTITLE, THE LOCAL
14 LAW ENFORCEMENT UNIT SHALL GIVE NOTICE TO THE DEPARTMENT OF THE
15 REGISTRANT'S INTENT TO CHANGE RESIDENCE, ~~THE~~ A COUNTY IN WHICH THE
16 REGISTRANT HABITUALLY LIVES, VEHICLE OR LICENSE PLATE INFORMATION,
17 ELECTRONIC MAIL OR INTERNET IDENTIFIERS, OR HOME OR CELL PHONE
18 NUMBERS.

19 (I) AS SOON AS POSSIBLE, BUT NOT LATER THAN 3 WORKING DAYS
20 AFTER RECEIPT OF NOTICE UNDER § 11-705(G) OF THIS SUBTITLE, THE LOCAL
21 LAW ENFORCEMENT UNIT SHALL GIVE NOTICE TO THE DEPARTMENT OF THE
22 CHANGE OF NAME.

23 (J) AS SOON AS POSSIBLE, BUT NOT LATER THAN 3 WORKING DAYS
24 AFTER RECEIPT OF NOTICE UNDER § 11-705(H) OF THIS SUBTITLE, THE LOCAL
25 LAW ENFORCEMENT UNIT SHALL GIVE NOTICE TO THE DEPARTMENT OF THE
26 REGISTRANT'S INTENT TO LEAVE THE UNITED STATES.

27 (K) AS SOON AS POSSIBLE, BUT NOT LATER THAN 3 WORKING DAYS
28 AFTER RECEIPT OF NOTICE UNDER § 11-705(I) OF THIS SUBTITLE, THE LOCAL
29 LAW ENFORCEMENT UNIT SHALL GIVE NOTICE TO THE DEPARTMENT OF THE
30 REGISTRANT'S INTENT TO OBTAIN TEMPORARY LODGING OR TO BE ABSENT
31 FROM THE REGISTRANT'S PERMANENT RESIDENCE OR ~~LOCATION~~ LOCATIONS
32 WHERE THE REGISTRANT HABITUALLY LIVES.

33 11-710.

34 (a) As soon as possible but not later than [5] 3 working days after receipt of
35 notice of a registrant's change of address, ~~THE~~ A COUNTY IN WHICH ~~THE~~ A

1 REGISTRANT HABITUALLY LIVES, VEHICLE OR LICENSE PLATE INFORMATION,
 2 ELECTRONIC MAIL OR INTERNET IDENTIFIERS, OR HOME OR CELL PHONE
 3 NUMBERS, the Department shall give notice of the change:

4 (1) if the registration is premised on a conviction under federal,
 5 military, or Native American tribal law, to the designated federal unit; [and]

6 (2) TO ANY OTHER JURISDICTION OR FOREIGN COUNTRY WHERE
 7 THE SEX OFFENDER IS REQUIRED TO REGISTER; AND

8 (3) (i) to ~~the~~ EACH local law enforcement unit in whose county the
 9 new residence is located OR WHERE THE REGISTRANT INTENDS TO HABITUALLY
 10 LIVE; or

11 (ii) if the new residence OR A LOCATION WHERE THE
 12 REGISTRANT WILL HABITUALLY LIVE is in a different state that has a registration
 13 requirement, to the designated law enforcement unit OR SEX OFFENDER
 14 REGISTRATION UNIT in that state.

15 (b) (1) (i) As soon as possible but not later than [5] 3 working days
 16 after receipt of notice under [§ 11-705(e)] § 11-705(F) of this subtitle, the
 17 Department shall give notice to the campus police agency of the institution of higher
 18 education where the registrant is commencing or terminating enrollment or
 19 employment.

20 (ii) If an institution of higher education does not have a campus
 21 police agency, the notice required under this section shall be provided to the local law
 22 enforcement [agency] UNIT having primary [jurisdiction] LAW ENFORCEMENT
 23 AUTHORITY for the campus.

24 (2) Institutions of higher education currently required to disclose
 25 campus security policy and campus crime statistics data shall advise the campus
 26 community where law enforcement agency information provided by a state concerning
 27 registered sex offenders may be obtained.

28 (3) An institution of higher education is not prohibited from disclosing
 29 information provided to the institution under this subtitle concerning registered sex
 30 offenders.

31 (c) As soon as possible but not later than [5] 3 working days after receipt of
 32 notice under [§ 11-705(f)] § 11-705(G) of this subtitle, the Department shall give
 33 notice of the change of name:

34 (1) if the registration is due to a conviction under federal, military, or
 35 Native American tribal law, to the designated federal unit;

1 (2) to ~~the~~ EACH local law enforcement unit in whose county the
2 registrant resides **OR HABITUALLY LIVES** or where a registrant who is not a resident
3 of the State will work or attend school; and

4 (3) if the registrant is enrolled in or employed at an institution of
5 higher education in the State, to:

6 (i) the campus police agency of the institution of higher
7 education; or

8 (ii) if the institution does not have a campus police agency, the
9 local law enforcement **[agency] UNIT** having primary jurisdiction for the campus.

10 11-712.

11 (a) If a registrant escapes from a facility, the supervising authority of the
12 facility by the most reasonable and expedient means available shall immediately
13 notify:

14 (1) ~~the~~ EACH local law enforcement unit **[in the jurisdiction]** where
15 the registrant resided **OR HABITUALLY LIVED** before the registrant was committed to
16 the custody of the supervising authority; and

17 (2) each person who is entitled to receive notice under § 11-715(a) of
18 this subtitle.

19 (b) If the registrant is recaptured, the supervising authority shall send
20 notice, as soon as possible but not later than 2 working days after the supervising
21 authority learns of the recapture, to:

22 (1) ~~the~~ EACH local law enforcement unit **[in the jurisdiction]** where
23 the registrant resided **OR HABITUALLY LIVED** before the registrant was committed to
24 the custody of the supervising authority; and

25 (2) each person who is entitled to receive notice under § 11-715(a) of
26 this subtitle.

27 11-713.

28 The Department:

29 (1) as soon as possible but not later than **[5] 3** working days after
30 receiving the conviction data and fingerprints of a registrant, shall transmit the data
31 and fingerprints to the Federal Bureau of Investigation if the Bureau does not have
32 that information;

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

1 (3) shall reimburse local law enforcement units for the cost of
2 processing the registration statements of registrants, including the cost of taking
3 fingerprints [and photographs], **PALM PRINTS, AND DIGITAL IMAGES; [and]**

4 (4) shall reimburse local law enforcement units for the reasonable
5 costs of implementing community notification procedures;

6 (5) **SHALL BE RESPONSIBLE FOR RECEIVING AND DISTRIBUTING**
7 **ALL INTRASTATE, FEDERAL, AND FOREIGN GOVERNMENT COMMUNICATIONS**
8 **RELATING TO THE REGISTRATION OF SEX OFFENDERS; AND**

9 (6) **SHALL NOTIFY ALL JURISDICTIONS WHERE THE REGISTRANT**
10 **WILL RESIDE, CARRY ON EMPLOYMENT, OR ATTEND SCHOOL WITHIN 3 DAYS OF**
11 **CHANGES IN THE REGISTRANT'S REGISTRATION.**

12 11-714.

13 A registration statement given to a person under this subtitle shall include a
14 copy of the completed registration form and a copy of the registrant's [photograph]
15 **DIGITAL IMAGE**, but need not include the fingerprints **OR PALM PRINTS** of the
16 registrant.

17 11-717.

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

20 (2) Information about registration statements shall include, in plain
21 language that can be understood without special knowledge of the criminal laws of the
22 State, a FACTUAL description of the crime of the offender that is the basis for the
23 registration, excluding details that would identify the victim.

24 (3) **REGISTRATION INFORMATION PROVIDED TO THE PUBLIC MAY**
25 **NOT INCLUDE A SEX OFFENDER'S SOCIAL SECURITY NUMBER, DRIVER'S**
26 **LICENSE NUMBER, MEDICAL OR THERAPEUTIC TREATMENT, TRAVEL AND**
27 **IMMIGRATION DOCUMENT NUMBERS, AND ARRESTS NOT RESULTING IN**
28 **CONVICTION.**

29 (b) The Department ~~may~~ **SHALL** post on the Internet:

30 (1) a current listing of each registrant's name, ~~crime~~, and other
31 identifying information; **AND**

32 (2) IN PLAIN LANGUAGE THAT CAN BE UNDERSTOOD WITHOUT
33 SPECIAL KNOWLEDGE OF THE CRIMINAL LAWS OF THE STATE, A FACTUAL

1 DESCRIPTION OF THE CRIME OF THE OFFENDER THAT IS THE BASIS FOR THE
2 REGISTRATION, EXCLUDING DETAILS THAT WOULD IDENTIFY THE VICTIM.

3 (c) The Department, through an Internet posting of current registrants,
4 shall:

5 (1) allow the public to electronically transmit information the public
6 may have about a registrant to the Department, a parole agent of a registrant, and ~~the~~
7 EACH local law enforcement unit where a registrant resides **OR HABITUALLY LIVES**
8 or where a registrant who is not a resident of the State will work or attend school;
9 **AND**

10 (2) **PROVIDE INFORMATION REGARDING THE OUT-OF-STATE**
11 **REGISTRATION STATUS FOR EACH REGISTRANT WHO IS ALSO REGISTERED IN**
12 **ANOTHER STATE AS AVAILABLE THROUGH A NATIONAL SEX OFFENDER PUBLIC**
13 **REGISTRY WEBSITE OR THROUGH THE NATIONAL CRIME PREVENTION AND**
14 **PRIVACY COMPACT UNDER TITLE 10, SUBTITLE 2, PART V OF THIS ARTICLE.**

15 (d) The Department shall allow members of the public who live in ~~the~~ A
16 county in which the registrant is to reside **OR HABITUALLY ~~LIVES~~ LIVE** or where the
17 registrant, if not a resident of the State, will work or attend school, by request, to
18 receive electronic mail notification of the release from incarceration of a registered
19 offender and the registration information of the offender.

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

21 11-718.

22 (a) (1) If the Department or a local law enforcement unit finds that, to
23 protect the public from a specific registrant, it is necessary to give notice of a
24 registration statement [or], a change of address of the registrant, **OR A CHANGE IN**
25 **THE A COUNTY IN WHICH THE REGISTRANT HABITUALLY ~~RESIDES~~ LIVES** to a
26 particular person not otherwise identified under § 11-709 of this subtitle, then the
27 Department or a local law enforcement unit shall give notice of the registration
28 statement to that person.

29 (2) This notice is in addition to the notice required under
30 § 11-709(b)(1) of this subtitle.

31 11-721.

32 (a) A registrant may not knowingly fail to register, knowingly fail to provide
33 the [written] notice required under § [11-705(d), (e), or (f)] **11-705** of this subtitle,
34 **KNOWINGLY FAIL TO PROVIDE ANY INFORMATION REQUIRED TO BE INCLUDED**
35 **IN A REGISTRATION STATEMENT DESCRIBED IN § 11-706 OF THIS SUBTITLE,** or
36 knowingly provide false information of a material fact as required by this subtitle.

1 (b) A person who violates this section:

2 (1) for a first offense, is guilty of a misdemeanor and on conviction is
3 subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both;
4 and

5 (2) for a second or subsequent offense, is guilty of a felony and on
6 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding
7 \$10,000 or both.

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

10 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
11 read as follows:

12 Article – Criminal Procedure

13 11–701.

14 [(i)] (K) (1) Except as otherwise provided in this subsection, “release”
15 means any type of release from the custody of a supervising authority.

16 (2) “Release” means:

17 (i) release on parole;

18 (ii) mandatory supervision release;

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

21 (iv) work release;

22 (v) placement on home detention; [and]

23 (vi) the first instance of entry into the community that is part of
24 a supervising authority’s graduated release program; AND

25 (VII) RELEASE FROM THE CUSTODY OF THE SECRETARY OF
26 HEALTH AND MENTAL HYGIENE.

27 (3) “Release” does not include:

28 (i) an escape; or

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

2 11-723.

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

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

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

9 (2) commence on the expiration of the later of any term of
10 imprisonment, probation, parole, [or] mandatory supervision, OR COMMITMENT TO A
11 FACILITY OWNED AND OPERATED BY THE DEPARTMENT OF HEALTH AND
12 MENTAL HYGIENE IN ACCORDANCE WITH § 10-641 OF THE HEALTH – GENERAL
13 ARTICLE.

14 Article – Health – General

15 1-101.

16 (a) In this article the following words have the meanings indicated.

17 (c) “Department” means the Department of Health and Mental Hygiene.

18 (k) “Secretary” means the Secretary of Health and Mental Hygiene.

19 10-101.

20 (e) (1) Except as otherwise provided in this title, “facility” means any
21 public or private clinic, hospital, or other institution that provides or purports to
22 provide treatment or other services for individuals who have mental disorders.

23 (2) “Facility” does not include a Veterans’ Administration hospital.

24 (h) “State facility” means a facility that is owned or operated by the
25 Department.

26 10-634. RESERVED.

27 10-635. RESERVED.

28 PART VI. SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT.

29 10-636.

1 **(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS**
2 **INDICATED.**

3 **(B) "COMMISSIONER" MEANS THE COMMISSIONER OF CORRECTION OF**
4 **THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.**

5 **(C) "COMMITTED PERSON" MEANS A PERSON WHO HAS BEEN FOUND TO**
6 **BE A SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT UNDER § 10-638**
7 **OF THIS SUBTITLE AND HAS BEEN COMMITTED TO A STATE FACILITY.**

8 **(D) "MENTAL ABNORMALITY" MEANS A CONGENITAL OR ACQUIRED**
9 **CONDITION THAT AFFECTS EMOTIONAL OR VOLITIONAL CAPACITY TO**
10 **PREDISPOSE A PERSON TO COMMIT A SEXUALLY VIOLENT OFFENSE IN A**
11 **DEGREE THAT MAKES THE PERSON A MENACE TO THE HEALTH AND SAFETY OF**
12 **OTHERS.**

13 **(E) "PREDATORY ACT" MEANS AN ACT DIRECTED TOWARD:**

14 **(1) A STRANGER; OR**

15 **(2) AN INDIVIDUAL WITH WHOM A RELATIONSHIP HAS BEEN**
16 **ESTABLISHED OR PROMOTED FOR THE PRIMARY PURPOSE OF VICTIMIZATION.**

17 **(F) "SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT" MEANS**
18 **AN INDIVIDUAL WHO HAS COMMITTED A SEXUALLY VIOLENT OFFENSE AND WHO**
19 **IS PLACED IN THE CUSTODY OF THE SECRETARY IN ACCORDANCE WITH §**
20 **10-643 OF THIS SUBTITLE.**

21 **(G) "SEXUALLY VIOLENT OFFENSE" HAS THE MEANING STATED IN §**
22 **11-701(L) OF THE CRIMINAL PROCEDURE ARTICLE.**

23 **10-637.**

24 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE**
25 **COMMISSIONER SHALL GIVE WRITTEN NOTICE TO THE ATTORNEY GENERAL AT**
26 **LEAST 90 DAYS BEFORE THE ANTICIPATED RELEASE FROM A CORRECTIONAL**
27 **FACILITY OF A PERSON WHO HAS BEEN CONVICTED OF A SEXUALLY VIOLENT**
28 **OFFENSE.**

29 **(B) IF A PERSON IS RETURNED TO A CORRECTIONAL FACILITY FOR NOT**
30 **MORE THAN 90 DAYS AS A RESULT OF REVOCATION OF POSTRELEASE**
31 **SUPERVISION, THE COMMISSIONER SHALL GIVE WRITTEN NOTICE AS SOON AS**
32 **PRACTICABLE.**

1 10-638.

2 A PERSON IS A SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT
3 IF THE PERSON:

4 (1) HAS BEEN CONVICTED OF A SEXUALLY VIOLENT OFFENSE;
5 AND

6 (2) SUFFERS FROM A MENTAL ABNORMALITY OR PERSONALITY
7 DISORDER, AS DETERMINED UNDER § 10-639 OF THIS SUBTITLE, THAT MAKES
8 THE PERSON LIKELY TO ENGAGE IN A PREDATORY ACT INVOLVING A SEXUALLY
9 VIOLENT OFFENSE.

10 10-639.

11 (A) THE ATTORNEY GENERAL SHALL DETERMINE WHETHER A PERSON
12 ABOUT WHOM THE COMMISSIONER GIVES NOTICE UNDER § 10-637 OF THIS
13 SUBTITLE MEETS THE CRITERIA OF A SEXUALLY VIOLENT OFFENDER IN NEED
14 OF COMMITMENT.

15 (B) TO MAKE THIS DETERMINATION, THE ATTORNEY GENERAL SHALL
16 RECEIVE RECOMMENDATIONS FROM:

17 (1) A REVIEW COMMITTEE OF PROSECUTORS, TO BE APPOINTED
18 BY THE ATTORNEY GENERAL; AND

19 (2) A MULTIDISCIPLINARY TEAM, TO BE APPOINTED BY THE
20 COMMISSIONER FROM REPRESENTATIVES OF THE DEPARTMENT OF HEALTH
21 AND MENTAL HYGIENE AND THE DEPARTMENT OF PUBLIC SAFETY AND
22 CORRECTIONAL SERVICES.

23 10-640.

24 THE COMMISSIONER, EMPLOYEES AND OFFICIALS OF THE DIVISION OF
25 CORRECTION, MEMBERS AND STAFF OF THE MULTIDISCIPLINARY TEAM AND
26 THE REVIEW COMMITTEE OF PROSECUTORS, AND PERSONS WHO CONTRACT OR
27 VOLUNTEER FOR SERVICES ARE NOT CIVILLY LIABLE FOR ACTS PERFORMED IN
28 GOOD FAITH IN CARRYING OUT THIS PART.

29 10-641.

30 (A) WITHIN 75 DAYS AFTER THE ATTORNEY GENERAL RECEIVES
31 WRITTEN NOTICE FROM THE COMMISSIONER UNDER § 10-637 OF THIS
32 SUBTITLE, THE ATTORNEY GENERAL MAY PETITION THE CIRCUIT COURT TO

1 FIND THAT PROBABLE CAUSE EXISTS TO BELIEVE THAT THE PERSON NAMED IN
2 THE PETITION IS A SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT.

3 (B) IF THE COURT FINDS PROBABLE CAUSE EXISTS, THE COURT SHALL:

4 (1) DIRECT THAT THE PERSON BE TAKEN INTO THE CUSTODY OF
5 THE SECRETARY; AND

6 (2) CONDUCT A TRIAL WITHIN 60 DAYS AFTER THE DATE OF THE
7 PROBABLE CAUSE HEARING TO DETERMINE THE STATUS OF THE PERSON AS A
8 SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT.

9 (C) THE PERSON NAMED IN THE PETITION SHALL BE ENTITLED TO BE
10 REPRESENTED BY COUNSEL, TO PRESENT EVIDENCE, TO CROSS-EXAMINE
11 WITNESSES, AND TO VIEW AND COPY ALL PETITIONS AND REPORTS IN THE
12 COURT FILE.

13 10-642.

14 (A) THE RULES OF EVIDENCE SHALL APPLY TO A TRIAL HELD UNDER
15 THIS SECTION.

16 (B) IF THE PERSON NAMED IN THE PETITION IS INDIGENT, THE COURT
17 SHALL APPOINT COUNSEL.

18 (C) (1) A PERSON NAMED IN THE PETITION MAY RETAIN AN EXPERT
19 TO PERFORM AN EXAMINATION.

20 (2) IF A PERSON NAMED IN THE PETITION WISHES TO BE
21 EXAMINED BY AN EXPERT OR OTHER INDIVIDUAL CHOSEN BY THE PERSON, THE
22 EXAMINER SHALL BE ALLOWED TO HAVE REASONABLE ACCESS TO THE PERSON
23 AS WELL AS TO RELEVANT MEDICAL AND PSYCHOLOGICAL RECORDS AND
24 REPORTS.

25 (3) THE COURT SHALL ASSIST AN INDIGENT PERSON TO OBTAIN
26 AN EXPERT OR OTHER INDIVIDUAL TO PERFORM AN EXAMINATION OR
27 PARTICIPATE IN THE TRIAL ON BEHALF OF THE PERSON IF THE COURT
28 DETERMINES THE SERVICES ARE NECESSARY AND THE REQUESTED
29 COMPENSATION FOR THE SERVICES IS REASONABLE.

30 (D) THE PERSON NAMED IN THE PETITION, THE ATTORNEY GENERAL,
31 AND THE JUDGE ARE ENTITLED TO DEMAND THAT THE TRIAL BE BEFORE A
32 JURY.

1 (E) AT A TRIAL UNDER THIS SECTION, THE STATE HAS THE BURDEN OF
2 PROVING BEYOND A REASONABLE DOUBT THAT THE PERSON NAMED IN THE
3 PETITION IS A SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT.

4 10-643.

5 IF THE COURT OR JURY DETERMINES THAT A PERSON IS A SEXUALLY
6 VIOLENT OFFENDER IN NEED OF COMMITMENT, THE PERSON SHALL BE PLACED
7 IN THE CUSTODY OF THE SECRETARY FOR CONTROL, CARE, AND TREATMENT AT
8 A STATE FACILITY UNTIL THE MENTAL ABNORMALITY OR PERSONALITY
9 DISORDER OF THE PERSON HAS SO CHANGED THAT THE PERSON IS NOT LIKELY
10 TO ENGAGE IN A PREDATORY ACT INVOLVING A SEXUALLY VIOLENT OFFENSE IF
11 RELEASED.

12 10-644.

13 (A) (1) A COMMITTED PERSON IS SUBJECT TO AN ANNUAL MENTAL
14 EXAMINATION IN A STATE FACILITY.

15 (2) AN OFFICIAL DESIGNATED BY THE PERSON IN CHARGE OF
16 THE STATE FACILITY SHALL COMPLETE A REPORT OF THE MENTAL
17 EXAMINATION AND SHALL FILE A COPY OF THE REPORT WITH THE COURT THAT
18 ORDERED THE COMMITTED PERSON TO A STATE FACILITY UNDER THIS PART.

19 (B) THE COURT SHALL CONDUCT AN ANNUAL STATUS REVIEW HEARING
20 FOR EACH COMMITTED PERSON.

21 (C) A COMMITTED PERSON SHALL BE ENTITLED TO PETITION THE
22 COURT FOR DISCHARGE AT THE ANNUAL STATUS REVIEW HEARING OF THE
23 COMMITTED PERSON.

24 (D) (1) THE SECRETARY SHALL PROVIDE THE COMMITTED PERSON
25 WITH AN ANNUAL WRITTEN NOTICE OF THE RIGHT OF THE COMMITTED PERSON
26 TO PETITION THE COURT FOR RELEASE.

27 (2) THE SECRETARY SHALL FORWARD THE NOTICE TO THE
28 COURT WITH THE ANNUAL REPORT.

29 (3) THE COMMITTED PERSON IS ENTITLED TO AN ATTORNEY TO
30 REPRESENT THE COMMITTED PERSON AT THE ANNUAL STATUS REVIEW
31 HEARING, BUT THE COMMITTED PERSON IS NOT ENTITLED TO BE PRESENT AT
32 THE HEARING.

33 10-645.

1 (A) (1) THE COURT SHALL SET A RELEASE HEARING IF THE COURT AT
2 THE ANNUAL STATUS REVIEW HEARING DETERMINES THAT PROBABLE CAUSE
3 EXISTS TO BELIEVE THAT THE MENTAL ABNORMALITY OR PERSONALITY
4 DISORDER OF THE COMMITTED PERSON HAS CHANGED SO THAT THE
5 COMMITTED PERSON IS NOT LIKELY TO ENGAGE IN A PREDATORY ACT
6 INVOLVING A SEXUALLY VIOLENT OFFENSE IF RELEASED.

7 (2) AT THE RELEASE HEARING, THE COMMITTED PERSON IS
8 ENTITLED TO BE PRESENT AND TO USE ALL OF THE PROTECTIONS, INCLUDING
9 THE USE OF EXPERT WITNESSES, THAT WERE AVAILABLE AT THE INITIAL
10 HEARING UNDER § 10-642 OF THIS SUBTITLE.

11 (3) THE ATTORNEY GENERAL:

12 (I) SHALL REPRESENT THE STATE AT THE RELEASE
13 HEARING;

14 (II) MAY REQUEST A JURY TRIAL; AND

15 (III) MAY REQUEST THAT THE COMMITTED PERSON BE
16 EVALUATED BY EXPERTS CHOSEN BY THE STATE.

17 (4) THE STATE HAS THE BURDEN OF PROVING BEYOND A
18 REASONABLE DOUBT THAT THE MENTAL ABNORMALITY OR PERSONALITY
19 DISORDER OF THE COMMITTED PERSON REMAINS SO SEVERE AS TO MAKE THE
20 COMMITTED PERSON LIKELY TO ENGAGE IN A PREDATORY ACT INVOLVING A
21 SEXUALLY VIOLENT OFFENSE IF RELEASED.

22 (B) THE COURT SHALL RELEASE A COMMITTED PERSON FROM CUSTODY
23 IF THE COURT FINDS AT A RELEASE HEARING THAT THE STATE HAS NOT
24 PROVEN BEYOND A REASONABLE DOUBT THAT THE COMMITTED PERSON IS NOT
25 SAFE TO BE AT LARGE OR IS LIKELY TO ENGAGE IN A PREDATORY ACT
26 INVOLVING A SEXUALLY VIOLENT OFFENSE IF RELEASED.

27 10-646.

28 THIS PART DOES NOT AFFECT THE OPERATION OF TITLE 11, SUBTITLE 7
29 OF THE CRIMINAL PROCEDURE ARTICLE.

30 SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
31 be construed to apply only prospectively and may not be applied or interpreted to have
32 any effect on or application to any prosecution commenced before the effective date of
33 this Act.

1 SECTION ~~2~~ 5. AND BE IT FURTHER ENACTED, That if any provision of this
 2 Act or the application thereof to any person or circumstance is held invalid for any
 3 reason in a court of competent jurisdiction, the invalidity does not affect other
 4 provisions or any other application of this Act which can be given effect without the
 5 invalid provision or application, and for this purpose the provisions of this Act are
 6 declared severable.

7 SECTION 6. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall
 8 take effect October 1, 2011, contingent on the Governor providing full funding for the
 9 civil commitment provisions of this Act beginning with the 2012 fiscal year and, if
 10 funding is not provided, Section 3 of this Act shall be null and void without the
 11 necessity of further action by the General Assembly.

12 SECTION ~~2~~ 7. AND BE IT FURTHER ENACTED, That, except as provided in
 13 Section 6 of this Act, this Act shall take effect October 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.