

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 856

(The President, *et al.*) (By Request - Administration)

Judicial Proceedings

Judiciary

Public Safety - Sexual Offender Advisory Board

This Administration bill alters the composition of the Sexual Offender Advisory Board by adding the Secretary of Health and Mental Hygiene, the Secretary of Juvenile Services, the Director of the Maryland Criminal Justice Information System Central Repository, the Executive Director of the Governor's Office of Crime Control and Prevention, or their designees, and specified other members with expertise in sexual abuse, related crimes, and victimization of such crimes. The bill expands the duties of the board to include such matters as: (1) developing criteria for measuring a person's risk of reoffending to assist a court in determining whether a person may be appropriately released from extended sexual offender supervision; (2) review of developments and making recommendations relating to the civil commitment of sexual offenders; and (3) consideration of ways to increase cooperation among states with regard to offender registration and monitoring. The bill repeals board staffing requirements for the Department of Health and Mental Hygiene (DHMH).

The bill takes effect June 1, 2010, and requires that the first annual report of the board be submitted by December 31, 2010.

Fiscal Summary

State Effect: Any expense reimbursements for advisory board members are assumed to be minimal and absorbable within existing budgeted resources.

Local Effect: None.

Small Business Effect: The Administration has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Current Law: Chapter 4 of the 2006 special session provided for extended supervision of sexual offenders by creating an extended sexual offender parole scheme that requires specified sexual offenders to have a term of extended sexual offender parole supervision for a minimum of three years to a maximum of life, with the ability to petition for discharge after that minimum period.

Chapter 4 also created a Sexual Offender Advisory Board, with specified reporting requirements, to review technology for the tracking of offenders; review the effectiveness of the State's laws concerning sex offenders; review the laws of other jurisdictions regarding sex offenders; review practices and procedures of the Parole Commission and the Division of Parole and Probation regarding supervision and monitoring of sex offenders; review developments in the treatment and assessment of sex offenders; and develop standards for conditions of extended sex offender parole supervision based on current and evolving best practices in the field of sex offender management. The advisory board is required to be staffed by the Department of Public Safety and Correctional Services and DHMH.

Background: Chapter 4 of the 2006 special session has never been fully implemented. As of February 2010, no sexual offenders have been placed on extended supervision and the board has not had any substantive meetings.

Additional Information

Prior Introductions: None.

Cross File: HB 931 (The Speaker, *et al.*) (By Request - Administration) - Judiciary.

Information Source(s): Department of Public Safety and Correctional Services, Department of Juvenile Services, Department of Legislative Services

Fiscal Note History: First Reader - February 22, 2010
mpc/hlb Revised - Enrolled Bill - May 20, 2010

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Public Safety - Sexual Offender Advisory Board

BILL NUMBER: SB 856

PREPARED BY: Public Safety and Correctional Services

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.