

SENATE BILL 491

E4, E2

3lr1467
CF HB 544

By: **Senator Shank**

Introduced and read first time: January 31, 2013

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Supervising Authority – Sex Offender Transfer**
3 **Notifications**

4 FOR the purpose of requiring a supervising authority operating a facility having
5 custody of or providing residential or nonresidential reentry services to a
6 registered sex offender to provide notice of a transfer of the registrant to a
7 facility in another county to the local law enforcement unit in the county of the
8 new facility and the Division of Parole and Probation within a certain period of
9 time; and generally relating to sex offenders.

10 BY repealing and reenacting, without amendments,
11 Article – Criminal Procedure
12 Section 11–701(n)
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2012 Supplement)

15 BY adding to
16 Article – Criminal Procedure
17 Section 11–708(c)(3)
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2012 Supplement)

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

22 **Article – Criminal Procedure**

23 11–701.

24 (n) “Supervising authority” means an agency or person that is responsible for
25 collecting the information for the initial registration of a sex offender and is:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (2) the administrator of a local correctional facility, if the registrant,
4 including a participant in a home detention program, is in the custody of the local
5 correctional facility;

6 (3) the court that granted the probation or suspended sentence, except
7 as provided in item (9) of this subsection, if the registrant is granted probation before
8 judgment, probation after judgment, or a suspended sentence;

9 (4) the Director of the Patuxent Institution, if the registrant is in the
10 custody of the Patuxent Institution;

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

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

16 (7) the Secretary, if the registrant is in the State under terms and
17 conditions of the Interstate Compact for Adult Offender Supervision, set forth in Title
18 6, Subtitle 2 of the Correctional Services Article, or the Interstate Corrections
19 Compact, set forth in Title 8, Subtitle 6 of the Correctional Services Article;

20 (8) the local law enforcement unit where the sex offender is a resident,
21 is a transient, or habitually lives on moving from another jurisdiction or foreign
22 country that requires registration if the sex offender is not under the supervision,
23 custody, or control of another supervising authority;

24 (9) the Director of Parole and Probation, if the registrant is under the
25 supervision of the Division of Parole and Probation; or

26 (10) the Secretary of Juvenile Services, if the registrant was a minor at
27 the time the act was committed for which registration is required.

28 11-708.

29 (c) **(3) A SUPERVISING AUTHORITY OPERATING A FACILITY THAT**
30 **HAS CUSTODY OF OR THAT PROVIDES RESIDENTIAL OR NONRESIDENTIAL**
31 **REENTRY SERVICES TO A REGISTRANT SHALL PROVIDE NOTICE OF A TRANSFER**
32 **OF THE REGISTRANT TO A FACILITY IN ANOTHER COUNTY TO THE LOCAL LAW**
33 **ENFORCEMENT UNIT IN THE COUNTY OF THE NEW FACILITY AND THE DIVISION**

1 **OF PAROLE AND PROBATION NOT LATER THAN 3 WORKING DAYS FROM THE**
2 **DATE OF THE TRANSFER.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2013.