

Article - Criminal Procedure

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§11–703.

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

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

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

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

(2) evidence introduced by the person convicted; and

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

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

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