
By: Senator Stone

Introduced and read first time: February 2, 1996

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Sexually Violent Predators - Notification and Registration**

3 FOR the purpose of requiring a court to determine, at a certain stage of the criminal
4 proceedings, whether a person who is convicted of a sexually violent offense is a
5 sexually violent predator; requiring the court to consider certain evidence in making
6 the determination; requiring certain supervising authorities to send written notice of
7 the release of a sexually violent predator to the local law enforcement agency in the
8 county where the offender will reside; requiring that the written notice contain
9 certain information; requiring that the notice be sent to certain persons on request
10 and to certain other persons under certain circumstances; requiring a sexually
11 violent predator to register with the local law enforcement agency within a certain
12 period; requiring a supervising authority to give written notice of the registration
13 requirements of this Act to a sexually violent predator and obtain a signed
14 statement from the predator acknowledging receipt of the notice; requiring that a
15 registration statement include certain information; requiring a local law
16 enforcement agency to send a copy of a registration, within a certain period, to the
17 Department of Public Safety and Correctional Services; requiring the Department
18 to maintain a central registry of sexually violent predators; requiring a local law
19 enforcement agency to send a copy of a registration statement to certain persons
20 under certain circumstances; requiring a local law enforcement agency to provide
21 certain notice to the Department of a sexually violent predator's change in address;
22 requiring that a local law enforcement agency provide certain notice and a copy of
23 a registration statement to the police department of a municipal corporation under
24 certain circumstances; allowing a sexually violent predator who has been registered
25 under this Act for a certain length of time to file a petition requesting a court to rule
26 that the person is no longer a sexually violent predator; requiring the petition to be
27 filed with a certain court; requiring the court to consider certain information on the
28 filing of the petition; requiring the court to take certain actions concerning the
29 petition within a certain period of time; specifying the effect of the court's action
30 concerning the petition; requiring a sexually violent predator, under certain
31 circumstances, to verify annually the predator's place of residence and report
32 changes of address to the supervising authority; making the violation of any
33 provision of this Act a penitentiary misdemeanor; imposing certain penalties;
34 requiring the Department to conduct certain public education and awareness
35 programs; providing for the application of this Act; defining certain terms; and
36 generally relating to sexually violent predators.

2

1 BY adding to
2 Article 27 - Crimes and Punishments
3 Section 692C
4 Annotated Code of Maryland
5 (1992 Replacement Volume and 1995 Supplement)

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

8 **Article 27 - Crimes and Punishments**

9 692C.

10 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
11 INDICATED.

12 (2) "CONVICTED" INCLUDES:

13 (I) GRANTED PROBATION BEFORE JUDGMENT AFTER BEING
14 FOUND GUILTY OF AN OFFENSE AND HAS BEEN ORDERED BY THE COURT, AS A
15 CONDITION OF PROBATION, TO COMPLY WITH THE REQUIREMENTS OF THIS
16 SECTION; AND

17 (II) FOUND NOT CRIMINALLY RESPONSIBLE FOR AN OFFENSE.

18 (3) "LOCAL LAW ENFORCEMENT AGENCY" MEANS THE LAW
19 ENFORCEMENT AGENCY IN A COUNTY THAT HAS BEEN DESIGNATED BY
20 RESOLUTION OF THE COUNTY GOVERNING BODY AS THE PRIMARY LAW
21 ENFORCEMENT UNIT IN THE COUNTY.

22 (4) "MENTAL ABNORMALITY" MEANS A CONGENITAL OR ACQUIRED
23 CONDITION OF AN OFFENDER THAT AFFECTS THE EMOTIONAL OR VOLITIONAL
24 CAPACITY OF THE PERSON IN A MANNER THAT PREDISPOSES THAT PERSON TO THE
25 COMMISSION OF CRIMINAL SEXUAL ACTS TO A DEGREE THAT MAKES THE
26 OFFENDER A MENACE TO THE HEALTH AND SAFETY OF OTHER PERSONS.

27 (5) (I) "RELEASE" MEANS ANY TYPE OF RELEASE FROM THE
28 CUSTODY OF A SUPERVISING AUTHORITY.

29 (II) "RELEASE" INCLUDES RELEASE ON PAROLE, MANDATORY
30 SUPERVISION, WORK RELEASE, AND ANY TYPE OF TEMPORARY LEAVE OTHER THAN
31 LEAVE THAT IS GRANTED ON AN EMERGENCY BASIS.

32 (III) "RELEASE" DOES NOT INCLUDE AN ESCAPE.

33 (6) "SEXUALLY VIOLENT OFFENSE" MEANS:

34 (I) A VIOLATION OF ANY OF THE PROVISIONS OF §§ 462 THROUGH
35 464B OF THIS ARTICLE;

36 (II) ASSAULT WITH INTENT TO COMMIT RAPE IN THE FIRST OR
37 SECOND DEGREE OR A SEXUAL OFFENSE IN THE FIRST OR SECOND DEGREE UNDER
38 § 12 OF THIS ARTICLE; OR

3

1 (III) AN OFFENSE IN ANOTHER STATE THAT, IF COMMITTED IN THIS
2 STATE, WOULD CONSTITUTE A VIOLATION DESCRIBED IN ITEMS (I) OR (II) OF THIS
3 PARAGRAPH.

4 (7) "SEXUALLY VIOLENT PREDATOR" MEANS A PERSON WHO:

5 (I) HAS BEEN CONVICTED OF A SEXUALLY VIOLENT OFFENSE;
6 AND

7 (II) SUFFERS FROM A MENTAL ABNORMALITY OR PERSONALITY
8 DISORDER THAT MAKES THE PERSON LIKELY TO COMMIT A SEXUALLY VIOLENT
9 OFFENSE.

10 (8) "SUPERVISING AUTHORITY" MEANS:

11 (I) IF THE SEXUALLY VIOLENT PREDATOR IS IN THE CUSTODY OF
12 A FACILITY OPERATED BY THE DEPARTMENT OF PUBLIC SAFETY AND
13 CORRECTIONAL SERVICES, THE SECRETARY OF PUBLIC SAFETY AND
14 CORRECTIONAL SERVICES;

15 (II) IF THE SEXUALLY VIOLENT PREDATOR IS IN THE CUSTODY OF
16 A LOCAL OR REGIONAL DETENTION CENTER, INCLUDING AN OFFENDER WHO IS
17 PARTICIPATING IN A HOME DETENTION PROGRAM, THE ADMINISTRATOR OF THE
18 FACILITY;

19 (III) IF THE SEXUALLY VIOLENT PREDATOR IS GRANTED
20 PROBATION BEFORE JUDGMENT, PROBATION AFTER JUDGMENT, OR A SUSPENDED
21 SENTENCE, THE COURT THAT GRANTED THE PROBATION OR SUSPENDED
22 SENTENCE;

23 (IV) IF THE SEXUALLY VIOLENT PREDATOR IS IN THE CUSTODY OF
24 THE PATUXENT INSTITUTION, THE DIRECTOR OF THE PATUXENT INSTITUTION;

25 (V) IF THE SEXUALLY VIOLENT PREDATOR IS IN THE CUSTODY OF
26 A FACILITY OPERATED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE,
27 THE SECRETARY OF HEALTH AND MENTAL HYGIENE; OR

28 (VI) IF THE SEXUALLY VIOLENT PREDATOR'S SENTENCE DOES NOT
29 INCLUDE A TERM OF IMPRISONMENT, THE COURT IN WHICH THE OFFENDER WAS
30 CONVICTED.

31 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF A PERSON IS
32 CONVICTED OF A SEXUALLY VIOLENT OFFENSE, THE COURT SHALL DETERMINE
33 PRIOR TO SENTENCING WHETHER THE PERSON IS A SEXUALLY VIOLENT PREDATOR.

34 (2) IN MAKING A DETERMINATION UNDER PARAGRAPH (1) OF THIS
35 SUBSECTION, THE COURT SHALL CONSIDER:

36 (I) AN EVALUATION OF THE PERSON BY AN EXPERT IN THE
37 TREATMENT OF SEXUAL OFFENDERS, AS DESIGNATED BY THE COURT; AND

38 (II) ANY EVIDENCE, INCLUDING EXPERT TESTIMONY,
39 INTRODUCED BY THE PERSON CONVICTED.

1 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON THE EARLIER
2 OF THE DATE THAT THE SEXUALLY VIOLENT PREDATOR IS RELEASED, IS GRANTED
3 PROBATION BEFORE JUDGMENT, IS GRANTED PROBATION AFTER JUDGMENT, IS
4 GRANTED A SUSPENDED SENTENCE, OR RECEIVES A SENTENCE THAT DOES NOT
5 INCLUDE A TERM OF IMPRISONMENT, THE SUPERVISING AUTHORITY SHALL SEND
6 WRITTEN NOTICE OF THE RELEASE OF THE SEXUALLY VIOLENT PREDATOR TO THE
7 LOCAL LAW ENFORCEMENT AGENCY IN THE COUNTY WHERE THE OFFENDER WILL
8 RESIDE.

9 (2) A WRITTEN NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS
10 SUBSECTION SHALL INCLUDE:

11 (I) THE FULL NAME OF THE SEXUALLY VIOLENT PREDATOR;

12 (II) THE SEXUALLY VIOLENT PREDATOR'S ADDRESS, IF
13 AVAILABLE;

14 (III) THE SEXUALLY VIOLENT PREDATOR'S SOCIAL SECURITY
15 NUMBER;

16 (IV) A RECENT PHOTOGRAPH OF THE SEXUALLY VIOLENT
17 PREDATOR; AND

18 (V) A BRIEF DESCRIPTION OF THE CRIME FOR WHICH THE
19 SEXUALLY VIOLENT PREDATOR WAS CONVICTED, GRANTED PROBATION BEFORE
20 JUDGMENT, OR FOUND NOT CRIMINALLY RESPONSIBLE.

21 (3) THE SAME NOTICE AS REQUIRED UNDER PARAGRAPH (1) OF THIS
22 SUBSECTION SHALL BE SENT TO THE FOLLOWING PERSONS, IF SUCH NOTICE HAS
23 BEEN REQUESTED IN WRITING, ABOUT A SPECIFIC SEXUALLY VIOLENT PREDATOR:

24 (I) THE VICTIM OF THE CRIME FOR WHICH THE SEXUALLY
25 VIOLENT PREDATOR WAS CONVICTED OR, IF THE VICTIM IS A MINOR, THE PARENTS
26 OR LEGAL GUARDIAN OF THE VICTIM;

27 (II) ANY WITNESS WHO TESTIFIED AGAINST THE SEXUALLY
28 VIOLENT PREDATOR IN ANY COURT PROCEEDINGS INVOLVING THE OFFENSE; AND

29 (III) ANY PERSON SPECIFIED IN WRITING BY THE STATE'S
30 ATTORNEY.

31 (4) INFORMATION REGARDING ANY PERSON WHO RECEIVES NOTICE
32 UNDER PARAGRAPH (3) OF THIS SUBSECTION IS CONFIDENTIAL AND MAY NOT BE
33 DISCLOSED TO THE SEXUALLY VIOLENT PREDATOR OR ANY OTHER PERSON,
34 AGENCY, OR ENTITY.

35 (5) IF A SEXUALLY VIOLENT PREDATOR ESCAPES FROM A FACILITY,
36 THE SUPERVISING AUTHORITY OF THE FACILITY SHALL IMMEDIATELY NOTIFY, BY
37 THE MOST REASONABLE AND EXPEDIENT MEANS AVAILABLE:

38 (I) THE LOCAL LAW ENFORCEMENT AGENCY IN THE
39 JURISDICTION IN WHICH THE OFFENDER RESIDED BEFORE THE OFFENDER WAS
40 COMMITTED TO THE CUSTODY OF THE SUPERVISING AUTHORITY; AND

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1 (II) ANY PERSON WHO IS ENTITLED TO RECEIVE NOTICE UNDER
2 PARAGRAPH (3) OF THIS SUBSECTION.

3 (6) IF THE OFFENDER IS RECAPTURED, THE SUPERVISING AUTHORITY
4 SHALL SEND NOTICE, AS SOON AS POSSIBLE AND IN NO EVENT LATER THAN 2
5 WORKING DAYS AFTER THE SUPERVISING AUTHORITY LEARNS OF THE RECAPTURE,
6 TO:

7 (I) THE LOCAL LAW ENFORCEMENT AGENCY IN THE
8 JURISDICTION IN WHICH THE OFFENDER RESIDED BEFORE THE OFFENDER WAS
9 COMMITTED TO THE CUSTODY OF THE SUPERVISING AUTHORITY; AND

10 (II) ANY PERSON WHO IS ENTITLED TO RECEIVE NOTICE UNDER
11 PARAGRAPH (3) OF THIS SUBSECTION.

12 (7) A SUPERVISING AUTHORITY SHALL SEND ANY NOTICE REQUIRED
13 UNDER PARAGRAPHS (3), (5)(II), AND (6)(II) OF THIS SUBSECTION TO THE LAST
14 ADDRESS PROVIDED TO THE SUPERVISING AUTHORITY FOR A PERSON WHO IS
15 ENTITLED TO NOTICE UNDER PARAGRAPH (3) OF THIS SUBSECTION.

16 (8) IF A SEXUALLY VIOLENT PREDATOR WILL RESIDE AFTER RELEASE
17 IN A MUNICIPAL CORPORATION THAT HAS A POLICE DEPARTMENT, OR, IN THE CASE
18 WHERE A SEXUALLY VIOLENT PREDATOR ESCAPES FROM A FACILITY AND THE
19 OFFENDER RESIDED, BEFORE THE OFFENDER WAS COMMITTED TO THE CUSTODY
20 OF A SUPERVISING AUTHORITY, IN A MUNICIPAL CORPORATION THAT HAS A
21 POLICE DEPARTMENT, A LOCAL LAW ENFORCEMENT AGENCY THAT RECEIVES A
22 NOTICE FROM A SUPERVISING AUTHORITY UNDER THIS SUBSECTION SHALL SEND A
23 COPY OF THE NOTICE TO THE POLICE DEPARTMENT OF THE MUNICIPAL
24 CORPORATION.

25 (D) (1) IN THIS SUBSECTION, "RESIDENT" MEANS A PERSON WHO LIVES IN
26 THIS STATE AT THE TIME THE PERSON:

27 (I) IS RELEASED;

28 (II) IS GRANTED PROBATION BEFORE JUDGMENT;

29 (III) IS GRANTED PROBATION AFTER JUDGMENT;

30 (IV) IS GRANTED A SUSPENDED SENTENCE; OR

31 (V) RECEIVES A SENTENCE THAT DOES NOT INCLUDE A TERM OF
32 IMPRISONMENT.

33 (2) A SEXUALLY VIOLENT PREDATOR SHALL REGISTER WITH THE
34 LOCAL LAW ENFORCEMENT AGENCY:

35 (I) IF THE SEXUALLY VIOLENT PREDATOR IS A RESIDENT, WITHIN
36 7 DAYS AFTER:

37 1. BEING RELEASED;

38 2. BEING GRANTED PROBATION BEFORE JUDGMENT;

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1 3. BEING GRANTED PROBATION AFTER JUDGMENT;

2 4. BEING GRANTED A SUSPENDED SENTENCE; OR

3 5. RECEIVING A SENTENCE THAT DOES NOT INCLUDE A
4 TERM OF IMPRISONMENT; OR

5 (II) IF THE SEXUALLY VIOLENT PREDATOR IS NOT A RESIDENT,
6 WITHIN 7 DAYS AFTER THE EARLIER OF:

7 1. ESTABLISHING A TEMPORARY OR PERMANENT
8 RESIDENCE IN THIS STATE; OR

9 2. APPLYING FOR A DRIVER'S LICENSE IN THIS STATE.

10 (E) ON THE EARLIER OF THE DATE THAT THE SEXUALLY VIOLENT
11 PREDATOR IS RELEASED, IS GRANTED PROBATION BEFORE JUDGMENT, IS
12 GRANTED PROBATION AFTER JUDGMENT, IS GRANTED A SUSPENDED SENTENCE,
13 OR RECEIVES A SENTENCE THAT DOES NOT INCLUDE A TERM OF IMPRISONMENT,
14 THE SUPERVISING AUTHORITY SHALL:

15 (1) GIVE WRITTEN NOTICE TO A SEXUALLY VIOLENT PREDATOR OF
16 THE REGISTRATION REQUIREMENTS OF THIS SECTION; AND

17 (2) OBTAIN A STATEMENT SIGNED BY THE SEXUALLY VIOLENT
18 PREDATOR ACKNOWLEDGING THE RECEIPT OF THE WRITTEN NOTICE.

19 (F) IF THE SUPERVISING AUTHORITY ACCEPTS SUPERVISION OF AND HAS
20 LEGAL AUTHORITY OVER A SEXUALLY VIOLENT PREDATOR FROM ANOTHER STATE
21 UNDER THE TERMS AND CONDITIONS OF THE INTERSTATE COMPACT AGREEMENT
22 ESTABLISHED UNDER ARTICLE 41, § 4-801 OR §§ 4-1201 THROUGH 4-1211 OF THE
23 CODE, THE SUPERVISING AUTHORITY SHALL:

24 (1) GIVE THE SEXUALLY VIOLENT PREDATOR WRITTEN NOTICE OF THE
25 REGISTRATION REQUIREMENTS OF THIS SECTION; AND

26 (2) OBTAIN A STATEMENT SIGNED BY THE SEXUALLY VIOLENT
27 PREDATOR ACKNOWLEDGING THE RECEIPT OF THE WRITTEN NOTICE.

28 (G) (1) REGISTRATION SHALL CONSIST OF A STATEMENT SIGNED BY A
29 SEXUALLY VIOLENT PREDATOR WHICH SHALL INCLUDE:

30 (I) THE SEXUALLY VIOLENT PREDATOR'S NAME, ADDRESS, AND
31 PLACE OF EMPLOYMENT;

32 (II) A DESCRIPTION OF THE CRIME FOR WHICH THE SEXUALLY
33 VIOLENT PREDATOR WAS CONVICTED, GRANTED PROBATION BEFORE JUDGMENT,
34 OR FOUND NOT CRIMINALLY RESPONSIBLE;

35 (III) THE DATE THAT THE SEXUALLY VIOLENT PREDATOR WAS
36 CONVICTED, GRANTED PROBATION BEFORE JUDGMENT, OR FOUND NOT
37 CRIMINALLY RESPONSIBLE;

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1 (IV) THE JURISDICTION IN WHICH THE SEXUALLY VIOLENT
2 PREDATOR WAS CONVICTED, GRANTED PROBATION BEFORE JUDGMENT, OR FOUND
3 NOT CRIMINALLY RESPONSIBLE;

4 (V) A LIST OF ANY ALIASES THAT HAVE BEEN USED BY THE
5 SEXUALLY VIOLENT PREDATOR; AND

6 (VI) THE SEXUALLY VIOLENT PREDATOR'S SOCIAL SECURITY
7 NUMBER.

8 (2) THE LOCAL LAW ENFORCEMENT AGENCY SHALL OBTAIN A
9 PHOTOGRAPH AND FINGERPRINTS OF THE SEXUALLY VIOLENT PREDATOR AND
10 INCLUDE COPIES OF THE PHOTOGRAPH AND FINGERPRINTS IN THE REGISTRATION
11 STATEMENT.

12 (3) (I) AS SOON AS POSSIBLE AND IN NO EVENT LATER THAN 3
13 WORKING DAYS AFTER REGISTRATION IS COMPLETED, THE LOCAL LAW
14 ENFORCEMENT AGENCY SHALL SEND A COPY OF THE REGISTRATION STATEMENT
15 TO THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

16 (II) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
17 SERVICES SHALL MAINTAIN A CENTRAL REGISTRY OF SEXUALLY VIOLENT
18 PREDATORS.

19 (III) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
20 SERVICES SHALL REIMBURSE THE LOCAL LAW ENFORCEMENT AGENCIES FOR THE
21 COST OF PROCESSING THE REGISTRATION STATEMENTS OF SEXUALLY VIOLENT
22 PREDATORS, INCLUDING THE TAKING OF FINGERPRINTS AND PHOTOGRAPHS.

23 (4) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, UPON
24 WRITTEN REQUEST TO A LOCAL LAW ENFORCEMENT AGENCY, THE AGENCY SHALL
25 SEND A COPY OF A REGISTRATION STATEMENT TO THE PERSON WHO SUBMITTED
26 THE REQUEST.

27 (II) A REQUEST FOR A COPY OF A REGISTRATION STATEMENT
28 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL CONTAIN:

29 1. THE NAME AND ADDRESS OF THE PERSON SUBMITTING
30 THE REQUEST; AND

31 2. THE REASON FOR REQUESTING THE INFORMATION.

32 (III) A LOCAL LAW ENFORCEMENT AGENCY SHALL KEEP RECORDS
33 OF ALL WRITTEN REQUESTS RECEIVED UNDER SUBPARAGRAPH (I) OF THIS
34 PARAGRAPH.

35 (5) AN ELECTED PUBLIC OFFICIAL, PUBLIC EMPLOYEE, OR PUBLIC
36 AGENCY IS IMMUNE FROM CIVIL LIABILITY FOR DAMAGES ARISING OUT OF ANY
37 ACTION RELATING TO THE PROVISIONS OF THIS SUBSECTION, UNLESS IT IS SHOWN
38 THAT THE OFFICIAL, EMPLOYEE, OR AGENCY ACTED WITH GROSS NEGLIGENCE OR
39 IN BAD FAITH.

1 (H) (1) IF A SEXUALLY VIOLENT PREDATOR CHANGES RESIDENCES, THE
2 OFFENDER SHALL SEND WRITTEN NOTICE OF THE CHANGE WITHIN 7 DAYS AFTER
3 THE CHANGE OCCURS TO THE LOCAL LAW ENFORCEMENT AGENCY WITH WHOM
4 THE OFFENDER LAST REGISTERED.

5 (2) AS SOON AS POSSIBLE AND IN NO EVENT LATER THAN 3 WORKING
6 DAYS AFTER RECEIPT OF THE NOTICE, THE LOCAL LAW ENFORCEMENT AGENCY
7 SHALL GIVE NOTICE OF THE CHANGE TO THE DEPARTMENT OF PUBLIC SAFETY AND
8 CORRECTIONAL SERVICES, AND IF THE NEW RESIDENCE IS IN A DIFFERENT
9 JURISDICTION, TO THE LOCAL LAW ENFORCEMENT AGENCY IN WHOSE
10 JURISDICTION THE NEW RESIDENCE IS LOCATED.

11 (I) IF A SEXUALLY VIOLENT PREDATOR WILL RESIDE AFTER RELEASE IN A
12 MUNICIPAL CORPORATION THAT HAS A POLICE DEPARTMENT, OR, IN THE CASE
13 WHERE A SEXUALLY VIOLENT PREDATOR ESCAPES FROM A FACILITY AND THE
14 OFFENDER RESIDED, BEFORE THE OFFENDER WAS COMMITTED TO THE CUSTODY
15 OF A SUPERVISING AUTHORITY, IN A MUNICIPAL CORPORATION THAT HAS A
16 POLICE DEPARTMENT, A LOCAL LAW ENFORCEMENT AGENCY WITH WHICH A
17 SEXUALLY VIOLENT PREDATOR REGISTERS OR SENDS A CHANGE IN REGISTRATION
18 UNDER THIS SECTION SHALL SEND A COPY OF THE REGISTRATION STATEMENT OR
19 CHANGE IN REGISTRATION TO THE POLICE DEPARTMENT OF THE MUNICIPAL
20 CORPORATION.

21 (J) (1) A SEXUALLY VIOLENT PREDATOR WHO HAS BEEN REGISTERED
22 UNDER THIS SECTION FOR AT LEAST 10 YEARS MAY FILE A PETITION REQUESTING A
23 COURT TO RULE THAT THE PERSON IS NO LONGER A SEXUALLY VIOLENT
24 PREDATOR.

25 (2) A PETITION UNDER THIS SUBSECTION SHALL BE FILED IN THE
26 CIRCUIT COURT FOR THE COUNTY WHERE THE SEXUALLY VIOLENT PREDATOR
27 WAS CONVICTED OR HAS A RESIDENCE.

28 (3) ON THE FILING OF A PETITION UNDER THIS SUBSECTION, THE
29 COURT SHALL:

30 (I) ORDER A REEVALUATION OF THE PERSON BY AN EXPERT IN
31 THE TREATMENT OF SEXUAL OFFENDERS, AS DESIGNATED BY THE COURT; AND

32 (II) CONSIDER THE REEVALUATION AND ANY EVIDENCE,
33 INCLUDING EXPERT TESTIMONY, SUBMITTED BY THE PERSON FILING THE PETITION
34 IN DETERMINING WHETHER THE PERSON IS STILL A SEXUALLY VIOLENT
35 PREDATOR.

36 (4) WITHIN 30 DAYS AFTER THE FILING OF A PETITION UNDER THIS
37 SUBSECTION, THE COURT SHALL:

38 (I) DISMISS THE PETITION; OR

39 (II) ISSUE AN ORDER STATING THAT THE OFFENDER IS NO
40 LONGER CONSIDERED A SEXUALLY VIOLENT PREDATOR.

1 (5) IF A PETITION IS DISMISSED UNDER PARAGRAPH (4)(I) OF THIS
2 SUBSECTION, THE SEXUALLY VIOLENT PREDATOR MAY FILE A SUBSEQUENT
3 PETITION SUBJECT TO THE SAME PROCEDURES AFTER EACH 5-YEAR PERIOD AFTER
4 THE DISMISSAL.

5 (K) UNLESS A COURT ISSUES AN ORDER UNDER SUBSECTION (J)(4)(II) OF THIS
6 SECTION, A SEXUALLY VIOLENT PREDATOR SHALL VERIFY ANNUALLY THE
7 PREDATOR'S PLACE OF RESIDENCE AND REPORT CHANGES OF ADDRESS TO THE
8 SUPERVISING AUTHORITY.

9 (L) A SEXUALLY VIOLENT PREDATOR WHO KNOWINGLY FAILS TO REGISTER
10 AS REQUIRED BY THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON
11 CONVICTION IS SUBJECT TO IMPRISONMENT IN THE PENITENTIARY FOR NOT MORE
12 THAN 3 YEARS OR A FINE OF NOT MORE THAN \$5,000 OR BOTH.

13 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Public
14 Safety and Correctional Services shall conduct public education and awareness programs
15 to inform the public of its ability to obtain information regarding a sexually violent
16 predator under this Act.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be construed
18 only prospectively to apply to offenses that are committed after October 1, 1996, and may
19 not be applied or interpreted to have any effect on or application to any individual who
20 commits an offense before October 1, 1996.

21 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 1996.