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**By: Senator Stone**

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Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 13, 1996

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CHAPTER \_\_\_\_

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 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~~ authorizing a  
19 local law enforcement agency to send a copy of a registration statement to certain  
20 persons under certain circumstances; requiring a local law enforcement agency to  
21 provide certain notice to the Department of a sexually violent predator's change in  
22 address; requiring that a local law enforcement agency provide certain notice and a  
23 copy of a registration statement to the police department of a municipal corporation  
24 under certain circumstances; allowing a sexually violent predator who has been  
25 registered under this Act for a certain length of time to file a petition requesting a  
26 court to rule that the person is no longer a sexually violent predator; requiring the  
27 petition to be filed with a certain court; requiring the court to consider certain  
28 information on the filing of the petition; requiring the court to take certain actions

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1 concerning the petition within a certain period of time; specifying the effect of the  
2 court's action concerning the petition; requiring a sexually violent predator, under  
3 certain circumstances, to verify annually the predator's place of residence and  
4 report changes of address to the supervising authority; making the violation of any  
5 provision of this Act a penitentiary misdemeanor; imposing certain penalties;  
6 requiring the Secretary of Public Safety and Correctional Services to adopt certain  
7 regulations; requiring the Department to conduct certain public education and  
8 awareness programs; providing for the application of this Act; defining certain  
9 terms; and generally relating to sexually violent predators.

10 BY adding to

11 Article 27 - Crimes and Punishments  
12 Section 692C  
13 Annotated Code of Maryland  
14 (1992 Replacement Volume and 1995 Supplement)

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

17 **Article 27 - Crimes and Punishments**

18 692C.

19 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
20 INDICATED.

21 (2) "CONVICTED" INCLUDES:

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

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

27 (3) "LOCAL LAW ENFORCEMENT AGENCY" MEANS THE LAW  
28 ENFORCEMENT AGENCY IN A COUNTY THAT HAS BEEN DESIGNATED BY  
29 RESOLUTION OF THE COUNTY GOVERNING BODY AS THE PRIMARY LAW  
30 ENFORCEMENT UNIT IN THE COUNTY.

31 (4) "MENTAL ABNORMALITY" MEANS A CONGENITAL OR ACQUIRED  
32 CONDITION OF AN OFFENDER THAT AFFECTS THE EMOTIONAL OR VOLITIONAL  
33 CAPACITY OF THE PERSON IN A MANNER THAT PREDISPOSES THAT PERSON TO THE  
34 COMMISSION OF CRIMINAL SEXUAL ACTS TO A DEGREE THAT MAKES THE  
35 OFFENDER A MENACE TO THE HEALTH AND SAFETY OF OTHER PERSONS.

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

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

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

2 (6) "SEXUALLY VIOLENT OFFENSE" MEANS:

3 (I) A VIOLATION OF ANY OF THE PROVISIONS OF §§ 462 THROUGH  
4 464B OF THIS ARTICLE;

5 (II) ASSAULT WITH INTENT TO COMMIT RAPE IN THE FIRST OR  
6 SECOND DEGREE OR A SEXUAL OFFENSE IN THE FIRST OR SECOND DEGREE UNDER  
7 § 12 OF THIS ARTICLE; OR

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

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

12 (I) HAS BEEN CONVICTED OF A SEXUALLY VIOLENT OFFENSE;  
13 AND

14 (II) SUFFERS FROM A MENTAL ABNORMALITY OR PERSONALITY  
15 DISORDER THAT MAKES THE PERSON LIKELY TO COMMIT A SEXUALLY VIOLENT  
16 OFFENSE.

17 (8) "SUPERVISING AUTHORITY" MEANS:

18 (I) IF THE SEXUALLY VIOLENT PREDATOR IS IN THE CUSTODY OF  
19 A FACILITY OPERATED BY THE DEPARTMENT OF PUBLIC SAFETY AND  
20 CORRECTIONAL SERVICES, THE SECRETARY OF PUBLIC SAFETY AND  
21 CORRECTIONAL SERVICES;

22 (II) IF THE SEXUALLY VIOLENT PREDATOR IS IN THE CUSTODY OF  
23 A LOCAL OR REGIONAL DETENTION CENTER, INCLUDING AN OFFENDER WHO IS  
24 PARTICIPATING IN A HOME DETENTION PROGRAM, THE ADMINISTRATOR OF THE  
25 FACILITY;

26 (III) IF THE SEXUALLY VIOLENT PREDATOR IS GRANTED  
27 PROBATION BEFORE JUDGMENT, PROBATION AFTER JUDGMENT, OR A SUSPENDED  
28 SENTENCE, THE COURT THAT GRANTED THE PROBATION OR SUSPENDED  
29 SENTENCE;

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

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

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

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

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

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

8 (II) ANY EVIDENCE, INCLUDING EXPERT TESTIMONY,  
9 INTRODUCED BY THE PERSON CONVICTED.

10 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON THE EARLIER  
11 OF THE DATE THAT THE SEXUALLY VIOLENT PREDATOR IS RELEASED, IS GRANTED  
12 PROBATION BEFORE JUDGMENT, IS GRANTED PROBATION AFTER JUDGMENT, IS  
13 GRANTED A SUSPENDED SENTENCE, OR RECEIVES A SENTENCE THAT DOES NOT  
14 INCLUDE A TERM OF IMPRISONMENT, THE SUPERVISING AUTHORITY SHALL SEND  
15 WRITTEN NOTICE OF THE RELEASE OF THE SEXUALLY VIOLENT PREDATOR TO THE  
16 LOCAL LAW ENFORCEMENT AGENCY IN THE COUNTY WHERE THE OFFENDER WILL  
17 RESIDE.

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

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

21 (II) THE SEXUALLY VIOLENT PREDATOR'S ADDRESS, IF  
22 AVAILABLE;

23 (III) THE SEXUALLY VIOLENT PREDATOR'S SOCIAL SECURITY  
24 NUMBER;

25 (IV) A RECENT PHOTOGRAPH OF THE SEXUALLY VIOLENT  
26 PREDATOR; AND

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

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

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

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

38 (III) ANY PERSON SPECIFIED IN WRITING BY THE STATE'S  
39 ATTORNEY.

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

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

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

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

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

17 (I) THE LOCAL LAW ENFORCEMENT AGENCY IN THE  
18 JURISDICTION IN WHICH THE OFFENDER RESIDED BEFORE THE OFFENDER WAS  
19 COMMITTED TO THE CUSTODY OF THE SUPERVISING AUTHORITY; AND

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

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

26 (8) IF A SEXUALLY VIOLENT PREDATOR WILL RESIDE AFTER RELEASE  
27 IN A MUNICIPAL CORPORATION THAT HAS A POLICE DEPARTMENT, OR, IN THE CASE  
28 WHERE A SEXUALLY VIOLENT PREDATOR ESCAPES FROM A FACILITY AND THE  
29 OFFENDER RESIDED, BEFORE THE OFFENDER WAS COMMITTED TO THE CUSTODY  
30 OF A SUPERVISING AUTHORITY, IN A MUNICIPAL CORPORATION THAT HAS A  
31 POLICE DEPARTMENT, A LOCAL LAW ENFORCEMENT AGENCY THAT RECEIVES A  
32 NOTICE FROM A SUPERVISING AUTHORITY UNDER THIS SUBSECTION SHALL SEND A  
33 COPY OF THE NOTICE TO THE POLICE DEPARTMENT OF THE MUNICIPAL  
34 CORPORATION.

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

37 (I) IS RELEASED;

38 (II) IS GRANTED PROBATION BEFORE JUDGMENT;

39 (III) IS GRANTED PROBATION AFTER JUDGMENT;

40 (IV) IS GRANTED A SUSPENDED SENTENCE; OR

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1 (V) RECEIVES A SENTENCE THAT DOES NOT INCLUDE A TERM OF  
2 IMPRISONMENT.

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

5 (I) IF THE SEXUALLY VIOLENT PREDATOR IS A RESIDENT, WITHIN  
6 7 DAYS AFTER:

- 7 1. BEING RELEASED;
- 8 2. BEING GRANTED PROBATION BEFORE JUDGMENT;
- 9 3. BEING GRANTED PROBATION AFTER JUDGMENT;
- 10 4. BEING GRANTED A SUSPENDED SENTENCE; OR
- 11 5. RECEIVING A SENTENCE THAT DOES NOT INCLUDE A  
12 TERM OF IMPRISONMENT; OR

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

- 15 1. ESTABLISHING A TEMPORARY OR PERMANENT  
16 RESIDENCE IN THIS STATE; OR
- 17 2. APPLYING FOR A DRIVER'S LICENSE IN THIS STATE.

18 (E) ON THE EARLIER OF THE DATE THAT THE SEXUALLY VIOLENT  
19 PREDATOR IS RELEASED, IS GRANTED PROBATION BEFORE JUDGMENT, IS  
20 GRANTED PROBATION AFTER JUDGMENT, IS GRANTED A SUSPENDED SENTENCE,  
21 OR RECEIVES A SENTENCE THAT DOES NOT INCLUDE A TERM OF IMPRISONMENT,  
22 THE SUPERVISING AUTHORITY SHALL:

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

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

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

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

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

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

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

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

6 (III) THE DATE THAT THE SEXUALLY VIOLENT PREDATOR WAS  
7 CONVICTED, GRANTED PROBATION BEFORE JUDGMENT, OR FOUND NOT  
8 CRIMINALLY RESPONSIBLE;

9 (IV) THE JURISDICTION IN WHICH THE SEXUALLY VIOLENT  
10 PREDATOR WAS CONVICTED, GRANTED PROBATION BEFORE JUDGMENT, OR FOUND  
11 NOT CRIMINALLY RESPONSIBLE;

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

14 (VI) THE SEXUALLY VIOLENT PREDATOR'S SOCIAL SECURITY  
15 NUMBER.

16 (2) THE LOCAL LAW ENFORCEMENT AGENCY SHALL OBTAIN A  
17 PHOTOGRAPH AND FINGERPRINTS OF THE SEXUALLY VIOLENT PREDATOR AND  
18 INCLUDE COPIES OF THE PHOTOGRAPH AND FINGERPRINTS IN THE REGISTRATION  
19 STATEMENT.

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

24 (II) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL  
25 SERVICES SHALL MAINTAIN A CENTRAL REGISTRY OF SEXUALLY VIOLENT  
26 PREDATORS.

27 (III) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL  
28 SERVICES SHALL REIMBURSE THE LOCAL LAW ENFORCEMENT AGENCIES FOR THE  
29 COST OF PROCESSING THE REGISTRATION STATEMENTS OF SEXUALLY VIOLENT  
30 PREDATORS, INCLUDING THE TAKING OF FINGERPRINTS AND PHOTOGRAPHS.

31 (4) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, UPON  
32 WRITTEN REQUEST TO A LOCAL LAW ENFORCEMENT AGENCY, THE AGENCY ~~SHALL~~  
33 MAY SEND A COPY OF A REGISTRATION STATEMENT TO THE PERSON WHO  
34 SUBMITTED THE REQUEST.

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

37 1. THE NAME AND ADDRESS OF THE PERSON SUBMITTING  
38 THE REQUEST; AND

39 2. THE REASON FOR REQUESTING THE INFORMATION.

1 (III) A LOCAL LAW ENFORCEMENT AGENCY SHALL KEEP RECORDS  
2 OF ALL WRITTEN REQUESTS RECEIVED UNDER SUBPARAGRAPH (I) OF THIS  
3 PARAGRAPH.

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

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

13 (2) AS SOON AS POSSIBLE AND IN NO EVENT LATER THAN 3 WORKING  
14 DAYS AFTER RECEIPT OF THE NOTICE, THE LOCAL LAW ENFORCEMENT AGENCY  
15 SHALL GIVE NOTICE OF THE CHANGE TO THE DEPARTMENT OF PUBLIC SAFETY AND  
16 CORRECTIONAL SERVICES, AND IF THE NEW RESIDENCE IS IN A DIFFERENT  
17 JURISDICTION, TO THE LOCAL LAW ENFORCEMENT AGENCY IN WHOSE  
18 JURISDICTION THE NEW RESIDENCE IS LOCATED.

19 (I) IF A SEXUALLY VIOLENT PREDATOR WILL RESIDE AFTER RELEASE IN A  
20 MUNICIPAL CORPORATION THAT HAS A POLICE DEPARTMENT, OR, IN THE CASE  
21 WHERE A SEXUALLY VIOLENT PREDATOR ESCAPES FROM A FACILITY AND THE  
22 OFFENDER RESIDED, BEFORE THE OFFENDER WAS COMMITTED TO THE CUSTODY  
23 OF A SUPERVISING AUTHORITY, IN A MUNICIPAL CORPORATION THAT HAS A  
24 POLICE DEPARTMENT, A LOCAL LAW ENFORCEMENT AGENCY WITH WHICH A  
25 SEXUALLY VIOLENT PREDATOR REGISTERS OR SENDS A CHANGE IN REGISTRATION  
26 UNDER THIS SECTION SHALL SEND A COPY OF THE REGISTRATION STATEMENT OR  
27 CHANGE IN REGISTRATION TO THE POLICE DEPARTMENT OF THE MUNICIPAL  
28 CORPORATION.

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

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

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

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

40 (II) CONSIDER THE REEVALUATION AND ANY EVIDENCE,  
41 INCLUDING EXPERT TESTIMONY, SUBMITTED BY THE PERSON FILING THE PETITION  
42 IN DETERMINING WHETHER THE PERSON IS STILL A SEXUALLY VIOLENT  
43 PREDATOR.

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

3 (I) DISMISS THE PETITION; OR

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

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

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

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

18 (M) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES  
19 SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

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

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

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