

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL NO. 605

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Sexually Violent Predators and Sexual” and substitute “Crimes and Punishments - Crimes Against Children and Sex”; in the same line, strike “Notification and”.

On pages 1 and 2, strike in their entirety the lines beginning with line 3 on page 1 through line 26 on page 2, inclusive, and substitute:

“FOR the purpose of establishing procedures for determining whether a person is a sexually violent predator; requiring a supervising authority to send copies of a registration statement to specified agencies and individuals when an individual who was convicted of a specified crime is released or escapes; requiring a registrant to register with a supervising authority on a specified date; requiring the supervising authority to provide the registrant with specified information when the registrant registers; requiring the supervising authority to send the registration statement to the Department of Public Safety and Correctional Services; requiring the Department to maintain a central registry of registrants; requiring the Department to reimburse supervising authorities for the cost of processing the registration statement; requiring the Department to transmit the conviction data and fingerprints of a registrant to the Federal Bureau of Investigation; requiring the Department to send a copy of the registration statement to certain persons; requiring the Department to send written notice of the registration statement to the local law enforcement agency and county superintendent of schools in the county where the registrant will reside; requiring copies of the registration statement to be sent to specified organizations and persons under certain circumstances; providing for the contents of certain registration statements; requiring a registrant who changes residence to send written notice of the change to the Department; requiring the Department to give notice of the change of residence to the local law enforcement agency in the county where the new residence is located; requiring the Department to send verification forms to certain registrants for a specified period of time; requiring child sexual offenders

(Over)

and sexually violent predators to register in a certain manner with local law enforcement agencies under certain circumstances; establishing procedures and requirements concerning petitions to determine whether a person is no longer a sexually violent predator; altering certain time periods; requiring the Secretary of Public Safety and Correctional Services to adopt regulations to implement this Act; requiring the Department to conduct certain public education and awareness programs; providing for the application of this Act; providing that this Act does not impose certain duties or require certain disclosures under certain circumstances; allowing the Court of Appeals to adopt certain rules; requiring a certain report; defining certain terms; and generally relating to the registration of certain child and sexual offenders.”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 27 through 31, inclusive, and substitute:

“BY renumbering

Article 27 - Crimes and Punishments

Section 792(b), (d), (e), (f), (g), (h), (i), (j), and (k), respectively
to be Section 792(e), (f), (g), (h), (d), (i), (j), (k), and (l), respectively

Annotated Code of Maryland
(1996 Replacement Volume)

BY repealing and reenacting, with amendments,

Article 27 - Crimes and Punishments

Section 792

Annotated Code of Maryland
(1996 Replacement Volume)

(As enacted by Section 1 of this Act)”.

AMENDMENT NO. 3

On pages 3 through 17, strike in their entirety the lines beginning with line 1 on page 3 through line 10 on page 17, inclusive, and substitute:

“SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 792(b), (d), (e), (f), (g), (h), (i), (j), and (k), respectively, of Article 27

- Crimes and Punishments of the Annotated Code of Maryland be renumbered to be Section(s) 792(e), (f), (g), (h), (d), (i), (j), (k), and (l), respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article 27 - Crimes and Punishments

792.

(a) (1) In this section the following words have the meanings indicated.

(2) "Child sexual offender" means a person who:

(i) Has been convicted of violating § 35C of this article for an offense involving sexual abuse;

(ii) Has been convicted of violating any of the provisions of §§ 462 through 464B of this article for an offense involving an individual under the age of 15 years;

[(iii) Has been granted probation before judgment after being found guilty of any of the offenses listed in items (i) and (ii) of this paragraph and has been ordered by the court, as a condition of probation, to comply with the requirements of this section;

(iv)] (III) Has been convicted off[, or granted probation before judgment after being found guilty of,] violating § 464C of this article [and has been ordered by the court, as a part of a sentence or condition of probation, to comply with the requirements of this section] FOR AN OFFENSE INVOLVING AN INDIVIDUAL UNDER THE AGE OF 15 YEARS AND HAS BEEN ORDERED BY THE COURT TO REGISTER UNDER THIS SECTION; OR

[(v) Has been found not criminally responsible for any of the offenses listed in items (i) and (ii) of this section; or

(Over)

(vi)] (IV) Has been convicted in another state of an offense that, if committed in this State, would constitute one of the offenses listed in items (i) and (ii) of this paragraph.

(3) "CONVICTED" INCLUDES:

(I) A PROBATION BEFORE JUDGMENT AFTER A FINDING OF GUILT FOR AN OFFENSE IF THE COURT, AS A CONDITION OF PROBATION ORDERS COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION; AND

(II) A FINDING OF NOT CRIMINALLY RESPONSIBLE FOR AN OFFENSE.

(4) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

[(3)] (5) "Local law enforcement agency" means the law enforcement agency in a county that has been designated by resolution of the county governing body as the primary law enforcement unit in the county.

(6) "OFFENDER" MEANS A PERSON WHO IS ORDERED BY THE COURT TO REGISTER UNDER THIS SECTION AND WHO:

(I) HAS BEEN CONVICTED OF VIOLATING § 1, § 2, OR § 338 OF THIS ARTICLE;

(II) HAS BEEN CONVICTED OF VIOLATING § 337 OF THIS ARTICLE IF THE VICTIM IS UNDER THE AGE OF 18 YEARS;

(III) HAS BEEN CONVICTED OF THE COMMON LAW CRIME OF FALSE IMPRISONMENT IF THE VICTIM IS UNDER THE AGE OF 18 YEARS AND THE OFFENDER IS NOT THE VICTIM'S PARENT;

(IV) HAS BEEN CONVICTED OF VIOLATING § 464C OF THIS

ARTICLE IF THE VICTIM IS UNDER THE AGE OF 18 YEARS;

(V) HAS BEEN CONVICTED OF SOLICITING A MINOR TO ENGAGE IN SEXUAL CONDUCT;

(VI) HAS BEEN CONVICTED OF VIOLATING § 419A OF THIS ARTICLE;

(VII) HAS BEEN CONVICTED OF VIOLATING § 15 OF THIS ARTICLE OR ANY OF THE PROVISIONS OF §§ 426 THROUGH 433 OF THIS ARTICLE IF THE INTENDED PROSTITUTE IS UNDER THE AGE OF 18 YEARS;

(VIII) HAS BEEN CONVICTED OF A CRIME THAT INVOLVES CONDUCT THAT BY ITS NATURE IS A SEXUAL OFFENSE AGAINST AN INDIVIDUAL UNDER THE AGE OF 18 YEARS;

(IX) HAS BEEN CONVICTED OF AN ATTEMPT TO COMMIT A CRIME LISTED IN ITEMS (I) THROUGH (VIII) OF THIS PARAGRAPH; OR

(X) HAS BEEN CONVICTED IN ANOTHER STATE OF AN OFFENSE THAT, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE ONE OF THE OFFENSES LISTED IN ITEMS (I) THROUGH (IX) OF THIS PARAGRAPH.

(7) "REGISTRANT" MEANS A PERSON WHO IS:

(I) A CHILD SEXUAL OFFENDER;

(II) AN OFFENDER;

(III) A SEXUALLY VIOLENT OFFENDER; OR

(IV) A SEXUALLY VIOLENT PREDATOR.

(Over)

[(4)] (8) (i) "Release" means any type of release from the custody of a supervising authority.

(ii) "Release" includes release on parole, mandatory supervision, work release, and any type of temporary leave other than leave that is granted on an emergency basis.

(iii) "Release" does not include an escape.

(9) "SEXUALLY VIOLENT OFFENSE" MEANS:

(I) A VIOLATION OF ANY OF THE PROVISIONS OF § 462, § 463, § 464, § 464A, § 464B, OR § 464F OF THIS ARTICLE; OR

(II) ASSAULT WITH INTENT TO COMMIT RAPE IN THE FIRST OR SECOND DEGREE OR A SEXUAL OFFENSE IN THE FIRST OR SECOND DEGREE AS PREVIOUSLY PROSCRIBED UNDER FORMER § 12 OF THIS ARTICLE.

(10) "SEXUALLY VIOLENT OFFENDER" MEANS A PERSON WHO:

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

(II) HAS BEEN CONVICTED OF AN ATTEMPT TO COMMIT A SEXUALLY VIOLENT OFFENSE; OR

(III) HAS BEEN CONVICTED IN ANOTHER STATE OF AN OFFENSE THAT, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE A SEXUALLY VIOLENT OFFENSE.

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

(I) IS CONVICTED OF A SECOND OR SUBSEQUENT SEXUALLY VIOLENT OFFENSE; AND

(II) HAS BEEN DETERMINED IN ACCORDANCE WITH THIS SECTION TO BE AT RISK OF COMMITTING A SUBSEQUENT SEXUALLY VIOLENT OFFENSE.

[(5)] (12) "Supervising authority" means:

(i) If the [child sexual offender] REGISTRANT is in the custody of a facility operated by the Department of Public Safety and Correctional Services, the Secretary of Public Safety and Correctional Services;

(ii) If the [child sexual offender] REGISTRANT is in the custody of a local or regional detention center, including an offender who is participating in a home detention program, the administrator of the facility;

(iii) [If the child sexual offender] EXCEPT AS PROVIDED IN ITEM (VIII) OF THIS PARAGRAPH, IF THE REGISTRANT is granted probation before judgment, probation after judgment, or a suspended sentence, the court that granted the probation or suspended sentence;

(iv) If the [child sexual offender] REGISTRANT is in the custody of the Patuxent Institution, the Director of the Patuxent Institution;

(v) If the [child sexual offender] REGISTRANT is in the custody of a facility operated by the Department of Health and Mental Hygiene, the Secretary of Health and Mental Hygiene; [or]

(vi) If the [child sexual offender's] REGISTRANT'S sentence does not include a term of imprisonment, the court in which the offender was convicted;

(VII) IF THE OFFENDER IS IN THE STATE UNDER THE TERMS AND CONDITIONS OF THE INTERSTATE COMPACT AGREEMENTS UNDER ARTICLE 41, §§ 4-801 AND 4-1201 THROUGH 4-1211 OF THE CODE, THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES; OR

(VIII) IF THE REGISTRANT IS UNDER THE SUPERVISION OF THE DIVISION OF PAROLE AND PROBATION, THE DIRECTOR OF PAROLE AND PROBATION.

(B) (1) SUBJECT TO PARAGRAPHS (3) AND (4) OF THIS SUBSECTION, IF A PERSON IS CONVICTED OF A SECOND OR SUBSEQUENT SEXUALLY VIOLENT OFFENSE, THE STATE'S ATTORNEY MAY REQUEST THE COURT TO DETERMINE BEFORE SENTENCING 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.

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

(I) ANY EVIDENCE THAT THE COURT CONSIDERS APPROPRIATE TO THE DETERMINATION OF WHETHER THE INDIVIDUAL IS A SEXUALLY VIOLENT PREDATOR, INCLUDING THE PRESENTENCING INVESTIGATION AND SEXUALLY VIOLENT OFFENDER'S INMATE RECORD;

(II) ANY EVIDENCE INTRODUCED BY THE PERSON CONVICTED; AND

(III) AT THE REQUEST OF THE STATE'S ATTORNEY, ANY EVIDENCE PRESENTED BY A VICTIM OF THE SEXUALLY VIOLENT OFFENSE.

(4) THE STATE'S ATTORNEY MAY NOT REQUEST A COURT TO DETERMINE IF A PERSON IS A SEXUALLY VIOLENT PREDATOR UNDER THIS SUBSECTION UNLESS THE STATE'S ATTORNEY SERVES WRITTEN NOTICE OF INTENT TO MAKE THE REQUEST ON THE DEFENDANT OR THE DEFENDANT'S LAWYER AT LEAST 30 DAYS BEFORE TRIAL.

(c) (1) In this subsection, "resident" means a person who lives in this State at the time the person:

(i) Is released;

(ii) Is granted probation before judgment;

(iii) Is granted probation after judgment;

(iv) Is granted a suspended sentence; or

(v) Receives a sentence that does not include a term of imprisonment.

(2) A [child sexual offender] REGISTRANT shall register with the [local law enforcement agency] SUPERVISING AUTHORITY:

(i) If the [child sexual offender] REGISTRANT is a resident, [within 7 days after] ON OR BEFORE THE DATE THAT THE REGISTRANT:

1. [Being] IS released;

2. [Being] IS granted probation before judgment;

3. [Being] IS granted probation after judgment;

4. [Being] IS granted a suspended sentence; or

5. [Receiving] RECEIVES a sentence that does not include a term of imprisonment; or

(ii) If the [child sexual offender] REGISTRANT is not a resident, within 7 days after the earlier of THE DATE THAT THE REGISTRANT:

1. [Establishing] ESTABLISHES a temporary or permanent residence in this State; or

2. [Applying] APPLIES for a driver's license in this State.

(3) (I) WITHIN 7 DAYS AFTER RELEASE, A CHILD SEXUAL OFFENDER SHALL ALSO REGISTER IN PERSON WITH THE LOCAL LAW ENFORCEMENT AGENCY OF THE COUNTY WHERE THE OFFENDER WILL RESIDE.

(II) A LOCAL LAW ENFORCEMENT AGENCY MAY REQUIRE A CHILD SEXUAL OFFENDER TO PROVIDE ADDITIONAL INFORMATION IN THE REGISTRATION BESIDES THE INFORMATION REQUIRED UNDER SUBSECTION (D) OF THIS SECTION.

(4) WHEN A REGISTRANT REGISTERS, THE SUPERVISING AUTHORITY SHALL:

(I) INFORM THE REGISTRANT THAT IF THE REGISTRANT CHANGES RESIDENCE ADDRESS TO ANOTHER STATE THAT HAS A REGISTRATION REQUIREMENT, THE REGISTRANT SHALL REGISTER THE NEW ADDRESS WITH THE DESIGNATED LAW ENFORCEMENT AGENCY OF THAT STATE WITHIN 7 DAYS AFTER ESTABLISHING THE NEW RESIDENCE;

(II) EXPLAIN THE REQUIREMENTS OF THIS SECTION TO THE REGISTRANT, INCLUDING THE DUTIES OF A REGISTRANT WHEN THE REGISTRANT CHANGES RESIDENCE ADDRESS;

(III) GIVE WRITTEN NOTICE TO THE REGISTRANT OF THE REQUIREMENTS OF THIS SECTION; AND

(IV) OBTAIN A STATEMENT SIGNED BY THE REGISTRANT ACKNOWLEDGING THAT THE SUPERVISING AUTHORITY EXPLAINED THE REQUIREMENTS OF THIS SECTION AND PROVIDED WRITTEN NOTICE TO THE REGISTRANT.

(d) (1) Registration shall consist of a statement signed by a [child sexual offender] REGISTRANT which shall include:

(i) The [child sexual offender's] REGISTRANT'S name, address, and place of employment;

(ii) A description of the crime for which the [child sexual offender] REGISTRANT was convicted, granted probation before judgment, or found not criminally responsible;

(iii) The date that the [child sexual offender] REGISTRANT was convicted, granted probation before judgment, or found not criminally responsible;

(iv) The jurisdiction in which the [child sexual offender] REGISTRANT was convicted, granted probation before judgment, or found not criminally responsible;

(v) A list of any aliases that have been used by the [child sexual offender] REGISTRANT; and

(vi) The [child sexual offender's] REGISTRANT'S Social Security number.

(2) The [local law enforcement agency] SUPERVISING AUTHORITY shall obtain a photograph and fingerprints of the [child sexual offender] REGISTRANT and include [copies of] the photograph and fingerprints in the registration statement.

(3) (i) As soon as possible and in no event later than [3] 5 working days after registration is completed, IF THE SUPERVISING AUTHORITY IS NOT THE DEPARTMENT, the [local law enforcement agency] SUPERVISING AUTHORITY shall send [a copy of] the registration statement to the Department [of Public Safety and Correctional Services].

(ii) The Department [of Public Safety and Correctional Services] shall maintain a central registry of [child sexual offenders] REGISTRANTS.

(iii) The Department [of Public Safety and Correctional Services] shall reimburse [the local law enforcement agencies] SUPERVISING AUTHORITIES for the cost of processing the registration statements of [child sexual offenders] REGISTRANTS, including the taking of fingerprints and photographs.

(4) AS SOON AS POSSIBLE AND IN NO EVENT LATER THAN 5 WORKING DAYS AFTER RECEIVING THE CONVICTION DATA AND FINGERPRINTS OF A REGISTRANT, THE DEPARTMENT SHALL TRANSMIT THE DATA AND FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION IF THE BUREAU DOES NOT HAVE THAT INFORMATION.

(5) (I) THE DEPARTMENT SHALL RELEASE REGISTRATION STATEMENTS OR INFORMATION CONCERNING REGISTRATION STATEMENTS TO THE PUBLIC IN ACCORDANCE WITH REGULATIONS ESTABLISHED BY THE DEPARTMENT.

(6) (i) Subject to subparagraph (ii) of this paragraph, upon written request to a local law enforcement agency, the agency [shall send a copy of a registration statement to the person who submitted the request]:

1. SHALL SEND TO THE PERSON WHO SUBMITTED THE REQUEST ONE COPY OF THE REGISTRATION STATEMENT OF EACH CHILD SEXUAL OFFENDER AND EACH SEXUALLY VIOLENT PREDATOR ON RECORD WITH THE AGENCY; AND

2. MAY SEND TO THE PERSON WHO SUBMITTED THE REQUEST ONE COPY OF THE REGISTRATION STATEMENT OF ANY REGISTRANT NOT DESCRIBED IN ITEM 1 OF THIS SUBPARAGRAPH ON RECORD WITH THE AGENCY.

(ii) A request [for a copy of a registration statement] under

subparagraph (i) of this paragraph shall contain:

1. The name and address of the person submitting the request; and

2. The reason for requesting the information.

(iii) A local law enforcement agency shall keep records of all written requests received under subparagraph (i) of this paragraph.

[(5)] (7) An elected public official, public employee, or public agency is immune from civil liability for damages arising out of any action relating to the provisions of this subsection, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith.

(e)(1) [Subject to paragraph (2) of this subsection, on the earlier of the date that the child sexual offender is released, is granted probation before judgment, is granted probation after judgment, is granted a suspended sentence, or receives a sentence that does not include a term of imprisonment] WITHIN 5 DAYS OF OBTAINING A REGISTRATION STATEMENT, the supervising authority shall send [written notice of the release of the child sexual offender] A COPY OF THE REGISTRATION STATEMENT to the local law enforcement agency in the county where the offender will reside.

[(2) A written notice required under paragraph (1) of this subsection shall include:

(i) The full name of the child sexual offender;

(ii) The child sexual offender's address, if available;

(iii) The child sexual offender's Social Security number;

(iv) A recent photograph of the child sexual offender; and

(Over)

(v) A brief description of the crime for which the child sexual offender was convicted, granted probation before judgment, or found not criminally responsible.]

[(3)] (2) [The same notice as required under paragraph (1) of this subsection shall be sent] THE SUPERVISING AUTHORITY SHALL SEND A COPY OF A REGISTRATION STATEMENT to the following persons if such notice has been requested in writing about a specific [child sexual offender] REGISTRANT:

(i) The victim of the crime for which the [child sexual offender] REGISTRANT was convicted or, if the victim is a minor, the parents or legal guardian of the victim;

(ii) Any witness who testified against the [child sexual offender] REGISTRANT in any court proceedings involving the offense; and

(iii) Any person specified in writing by the State's Attorney.

[(4)] (3) Information regarding any person who receives notice under paragraph [(3)] (2) of this subsection is confidential and may not be disclosed to the [child sexual offender] REGISTRANT or any other person, agency, or entity.

[(5)] (4) If a [child sexual offender] REGISTRANT escapes from a facility, the supervising authority of the facility shall immediately notify, by the most reasonable and expedient means available:

(i) The local law enforcement agency in the jurisdiction in which the [offender] REGISTRANT resided before the [offender] REGISTRANT was committed to the custody of the supervising authority; and

(ii) Any person who is entitled to receive notice under paragraph [(3)] (2) of this subsection.

[(6)] (5) If the [offender] REGISTRANT is recaptured, the supervising authority shall send notice, as soon as possible and in no event later than 2 working days after the

supervising authority learns of the recapture, to:

(i) The local law enforcement agency in the jurisdiction in which the [offender] REGISTRANT resided before the [offender] REGISTRANT was committed to the custody of the supervising authority; and

(ii) Any person who is entitled to receive notice under paragraph [(3)] (2) of this subsection.

[(7)] (6) A supervising authority shall send any notice required under paragraphs [(3), (5)(ii), and (6)(ii)] (2), (4)(II), AND (5)(II) of this subsection to the last address provided to the supervising authority for a person who is entitled to notice under paragraph [(3)] (2) of this subsection.

[(8)] (7) If a [child sexual offender] REGISTRANT will reside after release in a municipal corporation that has a police department, or, in the case where a [child sexual offender] REGISTRANT escapes from a facility and the [offender] REGISTRANT resided, before the [offender] REGISTRANT was committed to the custody of a supervising authority, in a municipal corporation that has a police department, a local law enforcement agency that receives a notice from a supervising authority under this subsection shall send a copy of the notice to the police department of the municipal corporation.

(f) (1) Subject to paragraph (3) of this subsection, as soon as possible and in no event later than 5 working days after receiving a registration statement OF A CHILD SEXUAL OFFENDER, a local law enforcement agency shall send written notice of the registration statement to the county superintendent, as defined in § 1-101 of the Education Article, in the county where the child sexual offender will reside.

(2) As soon as possible and in no event later than 5 working days after receiving notice from the local law enforcement agency under paragraph (1) of this subsection, a county superintendent shall send written notice of the registration statement to [the] THOSE principals of the schools within the supervision of the superintendent THAT THE SUPERINTENDENT CONSIDERS NECESSARY TO PROTECT THE STUDENTS OF A

(Over)

SCHOOL FROM A CHILD SEXUAL OFFENDER.

(3) In addition to the notice required under paragraph (1) of this subsection, THE DEPARTMENT AND a local law enforcement agency [may] SHALL provide notice of a registration statement to [the following organizations] ANY PERSON OR ORGANIZATION THAT THE DEPARTMENT OR LOCAL LAW ENFORCEMENT AGENCY DETERMINES MAY SERVE TO PROTECT THE PUBLIC CONCERNING A SPECIFIC REGISTRANT if THE DEPARTMENT OR the agency determines that such notice is necessary to protect the public [interest:

(i) A community organization;

(ii) A religious organization; and

(iii) Any other organization that relates to children or youth].

(4) (I) [A] THE DEPARTMENT AND local law enforcement [agency] AGENCIES shall establish procedures for carrying out the notification requirements of paragraph (3) of this subsection, including the circumstances under and manner in which notification shall be provided.

(II) A LOCAL LAW ENFORCEMENT AGENCY AND THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES MAY NOT RELEASE THE IDENTITY OF A VICTIM OF AN OFFENSE THAT REQUIRES REGISTRATION UNDER THIS SECTION.

(5) A DISCLOSURE UNDER THIS SUBSECTION MAY NOT BE CONSTRUED TO LIMIT OR PROHIBIT ANY OTHER DISCLOSURE PERMITTED OR REQUIRED UNDER LAW.

(6) (I) EXCEPT FOR A REGISTRATION STATEMENT PROVIDED TO A LAW ENFORCEMENT AGENCY, A REGISTRATION STATEMENT PROVIDED TO A PERSON OR ORGANIZATION UNDER THIS SECTION SHALL INCLUDE THE COMPLETED REGISTRATION FORM AND A COPY OF A PHOTOGRAPH OF THE REGISTRANT, BUT NEED NOT INCLUDE THE REGISTRANT'S FINGERPRINTS.

(II) THE DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONAL SERVICES SHALL PROVIDE A LOCAL LAW ENFORCEMENT
AGENCY WITH THE COMPLETED REGISTRATION FORM, THE REGISTRANT'S
FINGERPRINTS, AND AN ACTUAL PHOTOGRAPH OF THE REGISTRANT.

(7) An elected public official, public employee, or public agency is immune from civil liability for damages arising out of any action relating to the provisions of this subsection, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith.

[(g) On the earlier of the date that the child sexual offender is released, is granted probation before judgment, is granted probation after judgment, is granted a suspended sentence, or receives a sentence that does not include a term of imprisonment, the supervising authority shall:

(1) Give written notice to a child sexual offender of the registration requirements of this section; and

(2) Obtain a statement signed by the child sexual offender acknowledging the receipt of the written notice.]

[(h) If the supervising authority accepts supervision of and has legal authority over a child sexual offender from another state under the terms and conditions of the interstate compact agreement established under Article 41, § 4-801 or §§ 4-1201 through 4-1211 of the Code, the supervising authority shall:

(1) Give the child sexual offender written notice of the registration requirements of this section; and

(2) Obtain a statement signed by the child sexual offender acknowledging the receipt of the written notice.]

[(i)] (G) (1) If a [child sexual offender] REGISTRANT changes residences, the [offender] REGISTRANT shall send written notice of the change within 7 days after the change occurs to the [local law enforcement agency with whom the offender last registered] DEPARTMENT.

(2) As soon as possible and in no event later than [3] 5 working days after receipt of the notice, the [local law enforcement agency] DEPARTMENT shall give notice of the change to the [Department of Public Safety and Correctional Services] LOCAL LAW ENFORCEMENT AGENCY IN WHOSE COUNTY THE NEW RESIDENCE IS LOCATED, and if the new residence is in a different [jurisdiction] STATE THAT HAS A REGISTRATION REQUIREMENT, to the [local] DESIGNATED law enforcement agency in whose [jurisdiction] STATE the new residence is located.

[(j)] (H)(1) A child sexual offender shall register IN PERSON with a local law enforcement agency annually for 10 years after:

[(1)] (I) The last date of release;

[(2)] (II) The CHILD SEXUAL offender is granted probation before judgment, probation after judgment, or a suspended sentence; or

[(3)] (III) The CHILD SEXUAL offender receives a sentence that does not include a term of imprisonment.

(2) AN OFFENDER AND A SEXUALLY VIOLENT OFFENDER SHALL REGISTER ANNUALLY WITH THE DEPARTMENT.

(3) A SEXUALLY VIOLENT PREDATOR SHALL REGISTER EVERY 90 DAYS IN ACCORDANCE WITH SUBSECTION (I)(2) OF THIS SECTION UNTIL THE PERSON IS DETERMINED NOT TO BE A SEXUALLY VIOLENT PREDATOR UNDER SUBSECTION (L) OF THIS SECTION.

(I) (1) (I) THE DEPARTMENT SHALL MAIL A VERIFICATION FORM, WHICH MAY NOT BE FORWARDED, ANNUALLY TO THE LAST REPORTED

ADDRESS OF EACH OFFENDER AND SEXUALLY VIOLENT OFFENDER.

(II) WITHIN 10 DAYS AFTER RECEIVING THE VERIFICATION FORM, THE OFFENDER OR SEXUALLY VIOLENT OFFENDER SHALL SIGN THE VERIFICATION FORM AND MAIL IT TO THE DEPARTMENT.

(2) (I) EVERY 90 DAYS, THE LOCAL LAW ENFORCEMENT AGENCY SHALL MAIL A VERIFICATION FORM, WHICH MAY NOT BE FORWARDED, TO THE LAST REPORTED ADDRESS OF A SEXUALLY VIOLENT PREDATOR.

(II) WITHIN 10 DAYS AFTER RECEIVING THE VERIFICATION FORM, THE SEXUALLY VIOLENT PREDATOR SHALL SIGN THE FORM AND MAIL IT TO THE LOCAL LAW ENFORCEMENT AGENCY.

(J) WITHIN 5 DAYS AFTER OBTAINING A VERIFICATION FORM FROM A CHILD SEXUAL OFFENDER AND A SEXUALLY VIOLENT PREDATOR, A LOCAL LAW ENFORCEMENT AGENCY SHALL SEND A COPY OF THE VERIFICATION FORM TO THE DEPARTMENT.

(k) If a [child sexual offender] REGISTRANT will reside after release in a municipal corporation that has a police department, or, in the case where a [child sexual offender] REGISTRANT escapes from a facility and the offender resided, before the offender was committed to the custody of a supervising authority, in a municipal corporation that has a police department, [a local law enforcement agency with which a child sexual offender registers or sends a change in registration under this section] THE DEPARTMENT shall send a copy of the registration statement or change in registration to the police department of the municipal corporation.

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

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

(3) ON THE FILING OF A PETITION UNDER THIS SUBSECTION, THE COURT SHALL CONSIDER ANY EVIDENCE THAT THE COURT CONSIDERS APPROPRIATE.

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

(I) DISMISS THE PETITION; OR

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

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

[(I)] (M) A [child sexual offender] REGISTRANT who knowingly fails to register as required by this section is guilty of a misdemeanor and on conviction is subject to imprisonment in the penitentiary for not more than 3 years or a fine of not more than \$5,000 or both.

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

SECTION 3. AND BE IT FURTHER ENACTED, That the Department of Public Safety and Correctional Services shall conduct public education and awareness programs to inform the public of its ability to obtain information regarding a registrant under this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in

Sections 5 and 6 of this Act, this Act shall be construed only prospectively to apply to offenses that are committed on or after July 1, 1997, and may not be applied or interpreted to have any effect on or application to any individual who commits an offense before July 1, 1997.

SECTION 5. AND BE IT FURTHER ENACTED, That a child sexual offender who is subject to the requirements of Chapter 142 of the Acts of the General Assembly of 1995 and who committed the sexual offense before the effective date of this Act is subject to the requirements of this Act.

SECTION 6. AND BE IT FURTHER ENACTED, That, provided that the second or subsequent sexually violent offense occurred on or after the effective date of this Act, for purposes of determining whether a person qualifies for determination of sexually violent predator status a conviction for a sexually violent offense occurring before the effective date of this Act shall be considered a prior offense.

SECTION 7. AND BE IT FURTHER ENACTED, That except as provided in this Act, notwithstanding any provision of law to the contrary, this Act may not be construed to impose a duty on or otherwise require a person to disclose that an individual is registered under this Act.

SECTION 8. AND BE IT FURTHER ENACTED, That the Court of Appeals may adopt rules governing the determination of sexually violent predators.

SECTION 9. AND BE IT FURTHER ENACTED, That the Department of Fiscal Services shall report to the Senate Judicial Proceedings Committee and the House Judiciary Committee, on or before July 1, 1999, on:

(1) The number of requests for registration statements received by local law enforcement agencies and the Department of Public Safety and Correctional Services; and

(2) The fiscal impact on local law enforcement agencies and the Department of Public Safety and Correctional Services on complying with the requests for registration statements.”

On page 17, in line 11, strike "6." and substitute "10.".