

CF 7r0057

By: Delegates Doory and Dembrow

Introduced and read first time: January 22, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 Sexually Violent Predators and Sexual Offenders - Registration

3 FOR the purpose of establishing a procedure to determine if a person is a sexually violent
4 predator; requiring a supervising authority to send notice to specified agencies and
5 individuals when a sexual offender or sexually violent predator is released or
6 escapes; requiring sexual offenders and sexually violent predators to register with a
7 supervising authority for a certain period of time; requiring the supervising
8 authority to provide specified information to a sexual offender or sexually violent
9 predator; requiring the supervising authority to send registration statements to the
10 Department of Public Safety and Correctional Services; requiring the Department
11 to maintain a central registry of offenders; requiring the Department to reimburse
12 supervising authorities for specified costs; requiring the Department to transmit
13 specified information to the Federal Bureau of Investigation; requiring the
14 Department to send a copy of a registration statement to certain persons; requiring
15 the Department to provide notice of a registration statement to specified agencies
16 and individuals; authorizing the Department and local law enforcement agencies to
17 provide notice of a registration statement in certain situations; requiring the
18 Department to send address verification forms to sexual offenders and sexually
19 violent predators; establishing a procedure to determine if a person is no longer a
20 sexually violent predator; requiring the Secretary of Public Safety and Correctional
21 Services to adopt regulations to implement this Act; requiring the Director of
22 Mental Hygiene to appoint one or more boards on sexually violent predators;
23 requiring the Director to establish rules governing a board; specifying the duties of
24 a board; authorizing members of a board to receive compensation; requiring the
25 Department of Public Safety and Correctional Services to conduct certain public
26 education and awareness programs; providing for the application of this Act;
27 defining certain terms; and generally relating to sexual offenders.

28 BY renumbering

29 Article 27 - Crimes and Punishments

30 Section 792(d), (e), (f), and (g), respectively

31 to be Section 792(e), (f), (g), and (d), respectively

32 Annotated Code of Maryland

33 (1996 Replacement Volume)

34 BY repealing and reenacting, with amendments,

2

1 Article 27 - Crimes and Punishments
2 Section 792
3 Annotated Code of Maryland
4 (1996 Replacement Volume)
5 (As enacted by Section 1 of this Act)

6 BY adding to

7 Article - Health - General
8 Section 10-927 to be under the new part "Part V. Boards on Sexually Violent
9 Predators"
10 Annotated Code of Maryland
11 (1994 Replacement Volume and 1996 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article - Health - General
14 Section 10-101(d)
15 Annotated Code of Maryland
16 (1994 Replacement Volume and 1996 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That Section(s) 792(d), (e), (f), and (g), respectively, of Article 27 -
19 Crimes and Punishments of the Annotated Code of Maryland be renumbered to be
20 Section(s) 792(e), (f), (g), and (d), respectively.

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

23 **Article 27 - Crimes and Punishments**

24 792.

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

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

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

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

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

36 (iv) Has been convicted of, or granted probation before judgment after
37 being found guilty of, violating § 464C of this article and has been ordered by the court,

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1 as a part of a sentence or condition of probation, to comply with the requirements of this
2 section;

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

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

8 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC SAFETY AND
9 CORRECTIONAL SERVICES.

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

13 (4) "MENTAL ABNORMALITY" MEANS A CONGENITAL OR ACQUIRED
14 CONDITION OF A PERSON THAT AFFECTS THE EMOTIONAL OR VOLITIONAL
15 CAPACITY OF THE PERSON IN A MANNER THAT PREDISPOSES THE PERSON TO
16 COMMIT CRIMINAL SEXUAL ACTS TO A DEGREE THAT MAKES THE PERSON A
17 MENACE TO THE HEALTH AND SAFETY OF OTHER PERSONS.

18 (5) "OFFENDER" MEANS:

19 (I) SEXUAL OFFENDER; OR

20 (II) SEXUALLY VIOLENT PREDATOR.

21 [(4)] (6) (i) "Release" means any type of release from the custody of a
22 supervising authority.

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

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

27 (7) "SEXUAL OFFENDER" MEANS A PERSON WHO:

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

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

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

35 (IV) HAS BEEN CONVICTED OF VIOLATING § 35C OF THIS ARTICLE
36 FOR AN OFFENSE INVOLVING SEXUAL ABUSE;

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1 (V) HAS BEEN CONVICTED OF VIOLATING ANY OF THE
2 PROVISIONS OF §§ 462 THROUGH 464B OF THIS ARTICLE;

3 (VI) HAS BEEN CONVICTED OF VIOLATING § 464C OF THIS ARTICLE
4 IF THE VICTIM IS UNDER THE AGE OF 18 YEARS;

5 (VII) HAS BEEN CONVICTED OF SOLICITING A PERSON UNDER THE
6 AGE OF 18 YEARS TO ENGAGE IN SEXUAL CONDUCT;

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

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

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

14 (XI) HAS BEEN CONVICTED OF AN ATTEMPT TO COMMIT A CRIME
15 LISTED IN ITEMS (I) THROUGH (X) OF THIS PARAGRAPH;

16 (XII) HAS BEEN GRANTED PROBATION BEFORE JUDGMENT AFTER
17 BEING FOUND GUILTY OF ANY OF THE OFFENSES LISTED IN ITEMS (I) THROUGH (XI)
18 OF THIS PARAGRAPH AND HAS BEEN ORDERED BY THE COURT, AS A CONDITION OF
19 PROBATION, TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION;

20 (XIII) HAS BEEN FOUND NOT CRIMINALLY RESPONSIBLE FOR ANY OF
21 THE OFFENSES LISTED IN ITEMS (I) THROUGH (XI) OF THIS PARAGRAPH; OR

22 (XIV) HAS BEEN CONVICTED IN ANOTHER STATE OF AN OFFENSE
23 THAT, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE ONE OF THE OFFENSES
24 LISTED IN ITEMS (I) THROUGH (XI) OF THIS PARAGRAPH.

25 (8) "SEXUALLY VIOLENT OFFENSE" MEANS A VIOLATION OF ANY OF
26 THE PROVISIONS OF §§ 462 THROUGH 464B OF THIS ARTICLE.

27 (9) "SEXUALLY VIOLENT PREDATOR" MEANS A PERSON WHO:

28 (I) 1. HAS BEEN CONVICTED OF A SEXUALLY VIOLENT
29 OFFENSE;

30 2. HAS BEEN CONVICTED OF AN ATTEMPT TO COMMIT A
31 SEXUALLY VIOLENT OFFENSE;

32 3. HAS BEEN GRANTED PROBATION BEFORE JUDGMENT
33 AFTER BEING FOUND GUILTY OF A SEXUALLY VIOLENT OFFENSE AND HAS BEEN
34 ORDERED BY THE COURT, AS A CONDITION OF PROBATION, TO COMPLY WITH THE
35 REQUIREMENTS OF THIS SECTION;

36 4. HAS BEEN FOUND NOT CRIMINALLY RESPONSIBLE FOR A
37 SEXUALLY VIOLENT OFFENSE; OR

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1 that does not include a term of imprisonment the supervising authority shall send written
2 notice of the release of the [child sexual] offender to the local law enforcement agency
3 in the county where the offender will reside.

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

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

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

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

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

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

13 (3) The same notice as required under paragraph (1) of this subsection shall
14 be sent to the following persons if such notice has been requested in writing about a
15 specific [child sexual] offender:

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

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

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

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

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

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

30 (ii) Any person who is entitled to receive notice under paragraph (3)
31 of this subsection.

32 (6) If the offender is recaptured, the supervising authority shall send notice,
33 as soon as possible and in no event later than 2 working days after the supervising
34 authority learns of the recapture, to:

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

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

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

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

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

- 15 (i) Is released;
- 16 (ii) Is granted probation before judgment;
- 17 (iii) Is granted probation after judgment;
- 18 (iv) Is granted a suspended sentence; or
- 19 (v) Receives a sentence that does not include a term of imprisonment.

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

22 (i) If the [child sexual] offender is a resident, [within 7 days after]
23 ON THE DATE THAT THE OFFENDER:

- 24 1. [Being] IS released;
- 25 2. [Being] IS granted probation before judgment;
- 26 3. [Being] IS granted probation after judgment;
- 27 4. [Being] IS granted a suspended sentence; or
- 28 5. [Receiving] RECEIVES a sentence that does not include a
29 term of imprisonment; or

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

- 32 1. [Establishing] ESTABLISHES a temporary or permanent
33 residence in this State; or
- 34 2. [Applying] APPLIES for a driver's license in this State.

35 (3) WHEN AN OFFENDER REGISTERS, THE SUPERVISING AUTHORITY
36 SHALL:

1 (I) INFORM THE OFFENDER THAT IF THE OFFENDER CHANGES
2 RESIDENCE TO ANOTHER STATE THAT HAS A REGISTRATION REQUIREMENT, THE
3 OFFENDER SHALL REGISTER THE NEW ADDRESS WITH THE DESIGNATED LAW
4 ENFORCEMENT AGENCY OF THAT STATE WITHIN 10 DAYS AFTER ESTABLISHING THE
5 NEW RESIDENCE;

6 (II) EXPLAIN THE REQUIREMENTS OF THIS SECTION TO THE
7 OFFENDER, INCLUDING THE DUTIES OF AN OFFENDER WHEN THE OFFENDER
8 CHANGES RESIDENCE;

9 (III) GIVE WRITTEN NOTICE TO THE OFFENDER OF THE
10 REQUIREMENTS OF THIS SECTION; AND

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

15 [(d)] (E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,
16 REGISTRATION [Registration] shall consist of a statement signed by [a child sexual]
17 AN offender which shall include:

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

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

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

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

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

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

29 (2) REGISTRATION OF A SEXUALLY VIOLENT PREDATOR SHALL
30 INCLUDE IDENTIFYING CHARACTERISTICS OF THE PERSON, THE OFFENSE HISTORY
31 OF THE PERSON, AND A STATEMENT INDICATING IF THE PERSON HAS RECEIVED
32 TREATMENT FOR THE PERSON'S MENTAL ABNORMALITY OR PERSONALITY
33 DISORDER.

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

37 [(3)] (4) (i) As soon as possible and in no event later than 3 working days
38 after registration is completed, the [local law enforcement agency] SUPERVISING
39 AUTHORITY shall send a copy of the registration statement to the Department [of Public
40 Safety and Correctional Services].

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

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

7 (5) AS SOON AS POSSIBLE AND IN NO EVENT LATER THAN 3 WORKING
8 DAYS AFTER RECEIVING THE CONVICTION DATA AND FINGERPRINTS OF AN
9 OFFENDER, THE DEPARTMENT SHALL TRANSMIT THE DATA AND FINGERPRINTS TO
10 THE FEDERAL BUREAU OF INVESTIGATION IF THE BUREAU DOES NOT HAVE THAT
11 INFORMATION.

12 [(4)] (6) (i) Subject to subparagraph (ii) of this paragraph, upon written
13 request to [a local law enforcement agency] THE DEPARTMENT, the [agency]
14 DEPARTMENT shall send a copy of a registration statement to the person who submitted
15 the request.

16 (ii) A request for a copy of a registration statement under
17 subparagraph (i) of this paragraph shall contain:

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

20 2. The reason for requesting the information.

21 (iii) [A local law enforcement agency] THE DEPARTMENT shall keep
22 records of all written requests received under subparagraph (i) of this paragraph.

23 [(5)] (7) An elected public official, public employee, or public agency is
24 immune from civil liability for damages arising out of any action relating to the provisions
25 of this subsection, unless it is shown that the official, employee, or agency acted with gross
26 negligence or in bad faith.

27 [(e)] (F) (1) Subject to paragraph (3) of this subsection, as soon as possible and
28 in no event later than 5 working days after receiving a registration statement, [a local law
29 enforcement agency] THE DEPARTMENT shall send written notice of the registration
30 statement to:

31 (I) THE LOCAL LAW ENFORCEMENT AGENCY IN THE COUNTY
32 WHERE THE OFFENDER WILL RESIDE; AND

33 (II) [the] THE county superintendent, as defined in § 1-101 of the
34 Education Article, in the county where the [child sexual] offender will reside.

35 (2) As soon as possible and in no event later than 5 working days after
36 receiving notice from the [local law enforcement agency] DEPARTMENT under
37 paragraph (1) of this subsection, a county superintendent shall send written notice of the
38 registration statement to the principals of the schools within the supervision of the
39 superintendent.

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1 (3) In addition to the notice required under paragraph (1) of this
 2 subsection, THE DEPARTMENT OR a local law enforcement agency may provide notice of
 3 a registration statement to the following organizations if the DEPARTMENT OR THE
 4 agency determines that such notice is necessary to protect the public interest:

5 (i) A community organization;

6 (ii) A religious organization; and

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

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

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

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

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

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

24 [(g) If the supervising authority accepts supervision of and has legal authority over
 25 a child sexual offender from another state under the terms and conditions of the
 26 interstate compact agreement established under Article 41, § 4-801 or §§ 4-1201 through
 27 4-1211 of the Code, the supervising authority shall:

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

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

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

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

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1 REGISTRATION REQUIREMENT, to the [local] DESIGNATED law enforcement agency
2 in whose [jurisdiction] STATE the new residence is located.

3 [(i)] (H) (1) A [child] sexual offender shall register with [a local law
4 enforcement agency] THE DEPARTMENT annually for 10 years after:

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

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

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

10 (2) A SEXUALLY VIOLENT PREDATOR SHALL REGISTER WITH THE
11 DEPARTMENT UNTIL A COURT DETERMINES THAT THE PERSON IS NO LONGER A
12 SEXUALLY VIOLENT PREDATOR IN ACCORDANCE WITH SUBSECTION (K) OF THIS
13 SECTION.

14 (I) (1) (I) THE DEPARTMENT SHALL MAIL A VERIFICATION FORM,
15 WHICH MAY NOT BE FORWARDED, ANNUALLY TO THE LAST REPORTED ADDRESS
16 OF EACH REGISTERED SEXUAL OFFENDER.

17 (II) THE DEPARTMENT SHALL MAIL A VERIFICATION FORM,
18 WHICH MAY NOT BE FORWARDED, EVERY 90 DAYS TO THE LAST REPORTED
19 ADDRESS OF EACH REGISTERED SEXUALLY VIOLENT PREDATOR.

20 (2) WITHIN 10 DAYS AFTER RECEIVING THE VERIFICATION FORM, THE
21 OFFENDER SHALL SIGN THE VERIFICATION FORM AND MAIL IT TO THE LOCAL LAW
22 ENFORCEMENT AGENCY.

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

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

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

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

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1 (I) REQUEST A BOARD ON SEXUALLY VIOLENT PREDATORS TO
2 REEVALUATE THE PERSON; AND

3 (II) CONSIDER THE REEVALUATION AND ANY EVIDENCE,
4 INCLUDING EXPERT TESTIMONY, SUBMITTED BY THE PERSON FILING THE PETITION.

5 (4) THE COURT SHALL:

6 (I) DISMISS THE PETITION; OR

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

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

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

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

18 **Article - Health - General**

19 10-101.

20 (d) "Director" means the Director of Mental Hygiene.

21 **PART V. BOARDS ON SEXUALLY VIOLENT PREDATORS.**

22 10-927.

23 (A) IN THIS PART V OF THIS SUBTITLE, "BOARD" MEANS A BOARD ON
24 SEXUALLY VIOLENT PREDATORS.

25 (B) THE DIRECTOR SHALL APPOINT ONE OR MORE BOARDS.

26 (C) A BOARD SHALL BE COMPRISED OF AT LEAST THREE MEMBERS WHO ARE
27 EXPERTS IN THE FIELD OF BEHAVIOR AND TREATMENT OF SEXUAL OFFENDERS.

28 (D) THE DIRECTOR SHALL ADOPT REGULATIONS GOVERNING:

29 (1) THE COMPOSITION OF A BOARD;

30 (2) THE APPOINTMENT OF BOARD MEMBERS;

31 (3) THE TERMS OF BOARD MEMBERS;

32 (4) PROCEDURES FOR FILLING A VACANCY ON A BOARD;

33 (5) THE REMOVAL OF BOARD MEMBERS; AND

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1 (6) PROCEDURES FOR DETERMINING IF A PERSON IS A SEXUALLY
2 VIOLENT PREDATOR.

3 (E) WHEN REQUESTED BY A COURT, A BOARD SHALL DETERMINE IF A
4 PERSON IS A SEXUALLY VIOLENT PREDATOR UNDER § 792 OF ARTICLE 27 OF THE
5 CODE.

6 (F) A MEMBER OF A BOARD MAY RECEIVE COMPENSATION FOR THE
7 MEMBER'S SERVICES.

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

12 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in
13 Section 5 of this Act, this Act shall be construed only prospectively to apply to offenses
14 that are committed on or after July 1, 1997, and may not be applied or interpreted to have
15 any effect on or application to any individual who commits an offense before July 1, 1997.

16 SECTION 5. AND BE IT FURTHER ENACTED, That, except for § 792(b) of
17 Article 27 of the Code, as enacted by this Act, a child sexual offender who is subject to
18 the requirements of Chapter 142 of the Acts of the General Assembly of 1995 and who
19 committed the sexual offense before the effective date of this Act is subject to the
20 requirements of this Act.

21 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 July 1, 1997.