
By: Senators Stone and Bromwell

Introduced and read first time: January 31, 1997

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of requiring the Department of Public Safety and Correctional Services
4 to maintain a central registry of sexually violent predators and sexual offenders;
5 requiring a sexual offender to register with the Department within a certain period
6 of time after the occurrence of certain events; requiring a sexually violent predator
7 to register with the local law enforcement agency within a certain period of time
8 after the occurrence of certain events; requiring a supervising authority to give
9 written notice of the registration requirements of this Act to sexually violent
10 predators and sexual offenders and to obtain a signed statement acknowledging
11 receipt of the notices; requiring that a registration statement include certain
12 information; requiring a sexual offender to notify the Department within a certain
13 period of time after changing residences; requiring a sexual offender to register with
14 the Department annually for a certain period of time; requiring the Department to
15 transmit specified information to the Federal Bureau of Investigation; requiring a
16 court to determine, at a certain stage of the criminal proceedings, whether a person
17 who is convicted of a sexually violent offense is a sexually violent predator;
18 authorizing a State's Attorney to request the court to consider certain evidence in
19 making the determination; requiring certain supervising authorities to send written
20 notice of the release of a sexually violent predator to the local law enforcement
21 agency in the county where the offender will reside; requiring that the written notice
22 contain certain information; requiring that the notice be sent to certain persons on
23 request and to certain other persons under certain circumstances; requiring a local
24 law enforcement agency to send a copy of a registration, within a certain period, to
25 the Department; requiring a local law enforcement agency to send copies of
26 registration statements to certain persons under certain circumstances; requiring a
27 local law enforcement agency to provide certain notice to the Department and
28 certain other persons of a sexually violent predator's change in address; requiring
29 that a local law enforcement agency provide certain notice and a copy of a
30 registration statement to the police department of a municipal corporation under
31 certain circumstances; allowing a sexually violent predator who has been registered
32 under this Act for a certain length of time to file a petition requesting a court to rule
33 that the person is no longer a sexually violent predator; requiring the petition to be
34 filed with a certain court; requiring the court to consider certain information on the
35 filing of the petition; requiring the court to take certain actions concerning the
36 petition within a certain period of time; specifying the effect of the court's action

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1 concerning the petition; requiring a sexually violent predator, under certain
2 circumstances, to verify the predator's place of residence and report changes of
3 address to the supervising authority; making the violation of any provision of this
4 Act a penitentiary misdemeanor; imposing certain penalties; requiring the
5 Department to conduct certain public education and awareness programs; requiring
6 the Director of Mental Hygiene to appoint one or more boards on sexually violent
7 predators; requiring the Director to establish rules governing a board; specifying the
8 duties of a board; authorizing members of a board to receive compensation;
9 providing for the application of this Act; defining certain terms; and generally
10 relating to sexually violent predators.

11 BY adding to

12 Article 27 - Crimes and Punishments
13 Section 792A and 792B
14 Annotated Code of Maryland
15 (1996 Replacement Volume)

16 BY adding to

17 Article - Health - General
18 Section 10-927 to be under the new part "Part V. Boards on Sexually Violent
19 Predators"
20 Annotated Code of Maryland
21 (1994 Replacement Volume and 1996 Supplement)

22 BY repealing and reenacting, without amendments,

23 Article - Health - General
24 Section 10-101(d)
25 Annotated Code of Maryland
26 (1994 Replacement Volume and 1996 Supplement)

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

29 **Article 27 - Crimes and Punishments**

30 792A.

31 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
32 INDICATED.

33 (2) "CONVICTED" INCLUDES:

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

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

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1 (3) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC SAFETY AND
2 CORRECTIONAL SERVICES.

3 (4) (I) "RELEASE" MEANS ANY TYPE OF RELEASE FROM THE
4 CUSTODY OF A SUPERVISING AUTHORITY.

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

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

9 (5) "RESIDENT" MEANS A PERSON WHO LIVES IN THIS STATE AT THE
10 TIME THE PERSON:

11 (I) IS RELEASED;

12 (II) IS GRANTED PROBATION BEFORE JUDGMENT;

13 (III) IS GRANTED PROBATION AFTER JUDGMENT;

14 (IV) IS GRANTED A SUSPENDED SENTENCE; OR

15 (V) RECEIVES A SENTENCE THAT DOES NOT INCLUDE A TERM OF
16 IMPRISONMENT.

17 (6) "SEXUALLY VIOLENT OFFENSE" MEANS:

18 (I) A VIOLATION OF ANY OF THE PROVISIONS OF § 462, § 463, § 464,
19 § 464A, § 464B, OR § 464F OF THIS ARTICLE;

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

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

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

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

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

30 (III) HAS BEEN GRANTED PROBATION BEFORE JUDGMENT AFTER
31 BEING FOUND GUILTY OF A SEXUALLY VIOLENT OFFENSE AND HAS BEEN ORDERED
32 BY THE COURT, AS A CONDITION OF PROBATION, TO COMPLY WITH THE
33 REQUIREMENTS OF THIS SECTION;

34 (IV) HAS BEEN FOUND NOT CRIMINALLY RESPONSIBLE FOR A
35 SEXUALLY VIOLENT OFFENSE; OR

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

4 (8) "SUPERVISING AUTHORITY" MEANS:

5 (I) IF THE SEXUAL OFFENDER IS IN THE CUSTODY OF A FACILITY
6 OPERATED BY THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
7 SERVICES, THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES;

8 (II) IF THE SEXUAL OFFENDER IS IN THE CUSTODY OF A LOCAL OR
9 REGIONAL DETENTION CENTER, INCLUDING AN OFFENDER WHO IS PARTICIPATING
10 IN A HOME DETENTION PROGRAM, THE ADMINISTRATOR OF THE FACILITY;

11 (III) IF THE SEXUAL OFFENDER IS GRANTED PROBATION BEFORE
12 JUDGMENT, PROBATION AFTER JUDGMENT, OR A SUSPENDED SENTENCE, THE
13 COURT THAT GRANTED THE PROBATION OR SUSPENDED SENTENCE;

14 (IV) IF THE SEXUAL OFFENDER IS IN THE CUSTODY OF THE
15 PATUXENT INSTITUTION, THE DIRECTOR OF THE PATUXENT INSTITUTION;

16 (V) IF THE SEXUAL OFFENDER IS IN THE CUSTODY OF A FACILITY
17 OPERATED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, THE
18 SECRETARY OF HEALTH AND MENTAL HYGIENE; OR

19 (VI) IF THE SEXUAL OFFENDER'S SENTENCE DOES NOT INCLUDE A
20 TERM OF IMPRISONMENT, THE COURT IN WHICH THE OFFENDER WAS CONVICTED.

21 (B) THE DEPARTMENT SHALL MAINTAIN A CENTRAL REGISTRY OF SEXUAL
22 OFFENDERS.

23 (C) A SEXUAL OFFENDER SHALL REGISTER WITH THE DEPARTMENT:

24 (1) IF THE SEXUAL OFFENDER IS A RESIDENT, WITHIN 7 DAYS AFTER:

25 (I) BEING RELEASED;

26 (II) BEING GRANTED PROBATION BEFORE JUDGMENT;

27 (III) BEING GRANTED PROBATION AFTER JUDGMENT;

28 (IV) BEING GRANTED A SUSPENDED SENTENCE; OR

29 (V) RECEIVING A SENTENCE THAT DOES NOT INCLUDE A TERM OF
30 IMPRISONMENT; OR

31 (2) IF THE SEXUAL OFFENDER IS NOT A RESIDENT, WITHIN 7 DAYS
32 AFTER THE EARLIER OF:

33 (I) ESTABLISHING A TEMPORARY OR PERMANENT RESIDENCE IN
34 THIS STATE; OR

35 (II) APPLYING FOR A DRIVER'S LICENSE IN THIS STATE.

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1 (D) ON THE EARLIER OF THE DATE THAT THE SEXUAL OFFENDER IS
2 RELEASED, IS GRANTED PROBATION BEFORE JUDGMENT, IS GRANTED PROBATION
3 AFTER JUDGMENT, IS GRANTED A SUSPENDED SENTENCE, OR RECEIVES A
4 SENTENCE THAT DOES NOT INCLUDE A TERM OF IMPRISONMENT, THE SUPERVISING
5 AUTHORITY SHALL:

6 (1) GIVE WRITTEN NOTICE TO A SEXUAL OFFENDER OF THE
7 REGISTRATION REQUIREMENTS OF THIS SECTION; AND

8 (2) OBTAIN A STATEMENT SIGNED BY THE SEXUAL OFFENDER
9 ACKNOWLEDGING THE RECEIPT OF THE WRITTEN NOTICE.

10 (E) IF THE SUPERVISING AUTHORITY ACCEPTS SUPERVISION OF AND HAS
11 LEGAL AUTHORITY OVER A SEXUAL OFFENDER FROM ANOTHER STATE UNDER THE
12 TERMS AND CONDITIONS OF THE INTERSTATE COMPACT AGREEMENT ESTABLISHED
13 UNDER ARTICLE 41, § 4-801 OR §§ 4-1201 THROUGH 4-1211 OF THE CODE, THE
14 SUPERVISING AUTHORITY SHALL:

15 (1) GIVE THE SEXUAL OFFENDER WRITTEN NOTICE OF THE
16 REGISTRATION REQUIREMENTS OF THIS SECTION; AND

17 (2) OBTAIN A STATEMENT SIGNED BY THE SEXUAL OFFENDER
18 ACKNOWLEDGING THE RECEIPT OF THE WRITTEN NOTICE.

19 (F) (1) REGISTRATION SHALL CONSIST OF A STATEMENT SIGNED BY A
20 SEXUAL OFFENDER WHICH SHALL INCLUDE:

21 (I) THE SEXUAL OFFENDER'S NAME, ADDRESS, AND PLACE OF
22 EMPLOYMENT;

23 (II) A DESCRIPTION OF THE CRIME FOR WHICH THE SEXUAL
24 OFFENDER WAS CONVICTED, GRANTED PROBATION BEFORE JUDGMENT, OR FOUND
25 NOT CRIMINALLY RESPONSIBLE;

26 (III) THE DATE THAT THE SEXUAL OFFENDER WAS CONVICTED,
27 GRANTED PROBATION BEFORE JUDGMENT, OR FOUND NOT CRIMINALLY
28 RESPONSIBLE;

29 (IV) THE JURISDICTION IN WHICH THE SEXUAL OFFENDER WAS
30 CONVICTED, GRANTED PROBATION BEFORE JUDGMENT, OR FOUND NOT
31 CRIMINALLY RESPONSIBLE;

32 (V) A LIST OF ANY ALIASES THAT HAVE BEEN USED BY THE
33 SEXUAL OFFENDER; AND

34 (VI) THE SEXUAL OFFENDER'S SOCIAL SECURITY NUMBER.

35 (2) THE DEPARTMENT SHALL OBTAIN A PHOTOGRAPH AND
36 FINGERPRINTS OF THE SEXUAL OFFENDER AND INCLUDE COPIES OF THE
37 PHOTOGRAPH AND FINGERPRINTS IN THE REGISTRATION STATEMENT.

38 (3) AS SOON AS POSSIBLE AND IN NO EVENT LATER THAN 3 WORKING
39 DAYS AFTER RECEIVING THE CONVICTION DATA AND FINGERPRINTS OF A SEXUAL

6

1 OFFENDER, THE DEPARTMENT SHALL TRANSMIT THE DATA AND FINGERPRINTS TO
2 THE FEDERAL BUREAU OF INVESTIGATION IF THE BUREAU DOES NOT HAVE THAT
3 INFORMATION.

4 (G) IF A SEXUAL OFFENDER CHANGES RESIDENCES, THE OFFENDER SHALL
5 SEND TO THE DEPARTMENT WRITTEN NOTICE OF THE CHANGE WITHIN 7 DAYS
6 AFTER THE CHANGE OCCURS.

7 (H) A SEXUAL OFFENDER SHALL REGISTER WITH THE DEPARTMENT
8 ANNUALLY FOR 10 YEARS AFTER:

9 (1) THE LAST DATE OF RELEASE;

10 (2) THE OFFENDER IS GRANTED PROBATION BEFORE JUDGMENT,
11 PROBATION AFTER JUDGMENT, OR A SUSPENDED SENTENCE; OR

12 (3) THE OFFENDER RECEIVES A SENTENCE THAT DOES NOT INCLUDE A
13 TERM OF IMPRISONMENT.

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

18 792B.

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.

7

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

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

5 (6) "SEXUALLY VIOLENT OFFENSE" MEANS:

6 (I) A VIOLATION OF ANY OF THE PROVISIONS OF § 462, § 463, § 464,
7 § 464A, § 464B, OR § 464F OF THIS ARTICLE;

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

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

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

15 (I) 1. HAS BEEN CONVICTED OF A SEXUALLY VIOLENT
16 OFFENSE;

17 2. HAS BEEN CONVICTED OF AN ATTEMPT TO COMMIT A
18 SEXUALLY VIOLENT OFFENSE;

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

23 4. HAS BEEN FOUND NOT CRIMINALLY RESPONSIBLE FOR A
24 SEXUALLY VIOLENT OFFENSE; OR

25 5. HAS BEEN CONVICTED IN ANOTHER STATE OF AN
26 OFFENSE THAT, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE A SEXUALLY
27 VIOLENT OFFENSE; AND

28 (II) SUFFERS FROM A MENTAL ABNORMALITY OR PERSONALITY
29 DISORDER THAT MAKES THE PERSON LIKELY TO COMMIT A SEXUALLY VIOLENT
30 OFFENSE.

31 (8) "SUPERVISING AUTHORITY" MEANS:

32 (I) IF THE SEXUALLY VIOLENT PREDATOR IS IN THE CUSTODY OF
33 A FACILITY OPERATED BY THE DEPARTMENT OF PUBLIC SAFETY AND
34 CORRECTIONAL SERVICES, THE SECRETARY OF PUBLIC SAFETY AND
35 CORRECTIONAL SERVICES;

36 (II) IF THE SEXUALLY VIOLENT PREDATOR IS IN THE CUSTODY OF
37 A LOCAL OR REGIONAL DETENTION CENTER, INCLUDING AN OFFENDER WHO IS
38 PARTICIPATING IN A HOME DETENTION PROGRAM, THE ADMINISTRATOR OF THE
39 FACILITY;

8

1 (III) IF THE SEXUALLY VIOLENT PREDATOR IS GRANTED
2 PROBATION BEFORE JUDGMENT, PROBATION AFTER JUDGMENT, OR A SUSPENDED
3 SENTENCE, THE COURT THAT GRANTED THE PROBATION OR SUSPENDED
4 SENTENCE;

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

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

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

13 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF A PERSON IS
14 CONVICTED OF A SEXUALLY VIOLENT OFFENSE, THE STATE'S ATTORNEY MAY
15 REQUEST THE COURT TO DETERMINE PRIOR TO SENTENCING WHETHER THE
16 PERSON IS A SEXUALLY VIOLENT PREDATOR.

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

19 (I) AN EVALUATION OF THE PERSON BY TWO EXPERTS IN THE
20 TREATMENT OF SEXUAL OFFENDERS, AS DESIGNATED BY THE COURT;

21 (II) ANY EVIDENCE, INCLUDING EXPERT TESTIMONY,
22 INTRODUCED BY THE PERSON CONVICTED; AND

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

25 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON THE EARLIER
26 OF THE DATE THAT THE SEXUALLY VIOLENT PREDATOR IS RELEASED, IS GRANTED
27 PROBATION BEFORE JUDGMENT, IS GRANTED PROBATION AFTER JUDGMENT, IS
28 GRANTED A SUSPENDED SENTENCE, OR RECEIVES A SENTENCE THAT DOES NOT
29 INCLUDE A TERM OF IMPRISONMENT, THE SUPERVISING AUTHORITY SHALL SEND
30 WRITTEN NOTICE OF THE RELEASE OF THE SEXUALLY VIOLENT PREDATOR TO THE
31 LOCAL LAW ENFORCEMENT AGENCY IN THE COUNTY WHERE THE OFFENDER WILL
32 RESIDE.

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

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

36 (II) THE SEXUALLY VIOLENT PREDATOR'S ADDRESS, IF
37 AVAILABLE;

38 (III) THE SEXUALLY VIOLENT PREDATOR'S SOCIAL SECURITY
39 NUMBER;

9

1 (IV) A RECENT PHOTOGRAPH OF THE SEXUALLY VIOLENT
2 PREDATOR; AND

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

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

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

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

14 (III) ANY PERSON SPECIFIED IN WRITING BY THE STATE'S
15 ATTORNEY.

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

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

23 (I) THE LOCAL LAW ENFORCEMENT AGENCY IN THE
24 JURISDICTION IN WHICH THE OFFENDER RESIDED BEFORE THE OFFENDER WAS
25 COMMITTED TO THE CUSTODY OF THE SUPERVISING AUTHORITY; AND

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

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

32 (I) THE LOCAL LAW ENFORCEMENT AGENCY IN THE
33 JURISDICTION IN WHICH THE OFFENDER RESIDED BEFORE THE OFFENDER WAS
34 COMMITTED TO THE CUSTODY OF THE SUPERVISING AUTHORITY; AND

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

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

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1 (8) IF A SEXUALLY VIOLENT PREDATOR WILL RESIDE AFTER RELEASE
2 IN A MUNICIPAL CORPORATION THAT HAS A POLICE DEPARTMENT, OR, IN THE CASE
3 WHERE A SEXUALLY VIOLENT PREDATOR ESCAPES FROM A FACILITY AND THE
4 OFFENDER RESIDED, BEFORE THE OFFENDER WAS COMMITTED TO THE CUSTODY
5 OF A SUPERVISING AUTHORITY, IN A MUNICIPAL CORPORATION THAT HAS A
6 POLICE DEPARTMENT, A LOCAL LAW ENFORCEMENT AGENCY THAT RECEIVES A
7 NOTICE FROM A SUPERVISING AUTHORITY UNDER THIS SUBSECTION SHALL SEND A
8 COPY OF THE NOTICE TO THE POLICE DEPARTMENT OF THE MUNICIPAL
9 CORPORATION.

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

12 (I) IS RELEASED;

13 (II) IS GRANTED PROBATION BEFORE JUDGMENT;

14 (III) IS GRANTED PROBATION AFTER JUDGMENT;

15 (IV) IS GRANTED A SUSPENDED SENTENCE; OR

16 (V) RECEIVES A SENTENCE THAT DOES NOT INCLUDE A TERM OF
17 IMPRISONMENT.

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

20 (I) IF THE SEXUALLY VIOLENT PREDATOR IS A RESIDENT, WITHIN
21 7 DAYS AFTER:

22 1. BEING RELEASED;

23 2. BEING GRANTED PROBATION BEFORE JUDGMENT;

24 3. BEING GRANTED PROBATION AFTER JUDGMENT;

25 4. BEING GRANTED A SUSPENDED SENTENCE; OR

26 5. RECEIVING A SENTENCE THAT DOES NOT INCLUDE A
27 TERM OF IMPRISONMENT; OR

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

30 1. ESTABLISHING A TEMPORARY OR PERMANENT
31 RESIDENCE IN THIS STATE; OR

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

33 (E) ON THE EARLIER OF THE DATE THAT THE SEXUALLY VIOLENT
34 PREDATOR IS RELEASED, IS GRANTED PROBATION BEFORE JUDGMENT, IS
35 GRANTED PROBATION AFTER JUDGMENT, IS GRANTED A SUSPENDED SENTENCE,
36 OR RECEIVES A SENTENCE THAT DOES NOT INCLUDE A TERM OF IMPRISONMENT,
37 THE SUPERVISING AUTHORITY SHALL:

11

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

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

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

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

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

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

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

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

21 (III) THE DATE THAT THE SEXUALLY VIOLENT PREDATOR WAS
22 CONVICTED, GRANTED PROBATION BEFORE JUDGMENT, OR FOUND NOT
23 CRIMINALLY RESPONSIBLE;

24 (IV) THE JURISDICTION IN WHICH THE SEXUALLY VIOLENT
25 PREDATOR WAS CONVICTED, GRANTED PROBATION BEFORE JUDGMENT, OR FOUND
26 NOT CRIMINALLY RESPONSIBLE;

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

29 (VI) THE SEXUALLY VIOLENT PREDATOR'S SOCIAL SECURITY
30 NUMBER.

31 (2) THE LOCAL LAW ENFORCEMENT AGENCY SHALL OBTAIN A
32 PHOTOGRAPH AND FINGERPRINTS OF THE SEXUALLY VIOLENT PREDATOR AND
33 INCLUDE COPIES OF THE PHOTOGRAPH AND FINGERPRINTS IN THE REGISTRATION
34 STATEMENT.

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

12

1 (II) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
2 SERVICES SHALL MAINTAIN A CENTRAL REGISTRY OF SEXUALLY VIOLENT
3 PREDATORS.

4 (III) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
5 SERVICES SHALL REIMBURSE THE LOCAL LAW ENFORCEMENT AGENCIES FOR THE
6 COST OF PROCESSING THE REGISTRATION STATEMENTS OF SEXUALLY VIOLENT
7 PREDATORS, INCLUDING THE TAKING OF FINGERPRINTS AND PHOTOGRAPHS.

8 (IV) 1. IN ADDITION TO THE NOTICE REQUIRED UNDER
9 SUBPARAGRAPH (I) OF THIS PARAGRAPH, A LOCAL LAW ENFORCEMENT AGENCY
10 MAY PROVIDE NOTICE OF A REGISTRATION STATEMENT TO INDIVIDUALS OR
11 ORGANIZATIONS IF THE AGENCY DETERMINES THAT SUCH NOTICE IS NECESSARY
12 TO PROTECT THE PUBLIC INTEREST.

13 2. A LOCAL LAW ENFORCEMENT AGENCY SHALL ESTABLISH
14 PROCEDURES FOR CARRYING OUT THE NOTIFICATION REQUIREMENTS OF THIS
15 SUBPARAGRAPH, INCLUDING THE CIRCUMSTANCES UNDER AND MANNER IN WHICH
16 NOTIFICATION SHALL BE PROVIDED.

17 (4) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, UPON
18 WRITTEN REQUEST TO A LOCAL LAW ENFORCEMENT AGENCY, THE AGENCY SHALL
19 SEND TO THE PERSON WHO SUBMITTED THE REQUEST ONE COPY OF EACH
20 REGISTRATION STATEMENT ON RECORD WITH THE AGENCY.

21 (II) A REQUEST UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH:

22 1. MAY ONLY BE MADE BY A PERSON WHOSE ADDRESS IS
23 LOCATED WITHIN THE JURISDICTION OF THE LOCAL LAW ENFORCEMENT AGENCY
24 TO WHICH THE REQUEST WAS SUBMITTED; AND

25 2. SHALL CONTAIN THE NAME AND ADDRESS OF THE
26 PERSON SUBMITTING THE REQUEST.

27 (III) A LOCAL LAW ENFORCEMENT AGENCY SHALL KEEP RECORDS
28 OF ALL WRITTEN REQUESTS RECEIVED UNDER SUBPARAGRAPH (I) OF THIS
29 PARAGRAPH.

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

35 (6) AS SOON AS POSSIBLE AND IN NO EVENT LATER THAN 3 WORKING
36 DAYS AFTER RECEIVING THE CONVICTION DATA AND FINGERPRINTS OF AN
37 OFFENDER, THE DEPARTMENT SHALL TRANSMIT THE DATA AND FINGERPRINTS TO
38 THE FEDERAL BUREAU OF INVESTIGATION IF THE BUREAU DOES NOT HAVE THAT
39 INFORMATION.

40 (H) (1) IF A SEXUALLY VIOLENT PREDATOR CHANGES RESIDENCES, THE
41 OFFENDER SHALL SEND WRITTEN NOTICE OF THE CHANGE WITHIN 7 DAYS AFTER

13

1 THE CHANGE OCCURS TO THE LOCAL LAW ENFORCEMENT AGENCY WITH WHOM
2 THE OFFENDER LAST REGISTERED.

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

9 (3) THE SAME NOTICE AS REQUIRED UNDER PARAGRAPH (2) OF THIS
10 SUBSECTION SHALL BE SENT TO THE FOLLOWING PERSONS, IF SUCH NOTICE HAS
11 BEEN REQUESTED IN WRITING, ABOUT A SPECIFIC SEXUALLY VIOLENT PREDATOR:

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

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

17 (III) ANY PERSON SPECIFIED IN WRITING BY THE STATE'S
18 ATTORNEY.

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

14

1 IN DETERMINING WHETHER THE PERSON IS STILL A SEXUALLY VIOLENT
2 PREDATOR.

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

5 (I) DISMISS THE PETITION; OR

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

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

12 (K) UNLESS A COURT ISSUES AN ORDER UNDER SUBSECTION (J)(4)(II) OF THIS
13 SECTION, A SEXUALLY VIOLENT PREDATOR SHALL VERIFY EVERY 90 DAYS THE
14 PREDATOR'S PLACE OF RESIDENCE AND REPORT CHANGES OF ADDRESS TO THE
15 SUPERVISING AUTHORITY.

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

20 **Article - Health - General**

21 10-101.

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

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

24 10-927.

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

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

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

30 (D) THE DIRECTOR SHALL ADOPT REGULATIONS GOVERNING:

31 (1) THE COMPOSITION OF A BOARD;

32 (2) THE APPOINTMENT OF BOARD MEMBERS;

33 (3) THE TERMS OF BOARD MEMBERS;

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

35 (5) THE REMOVAL OF BOARD MEMBERS; AND

15

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 § 792B 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 2. 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 3. AND BE IT FURTHER ENACTED, That this Act shall be construed
13 only prospectively to apply to offenses that are committed after October 1, 1997, and may
14 not be applied or interpreted to have any effect on or application to any individual who
15 commits an offense before October 1, 1997.

16 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 1997.