
By: **Senator Stone**
Introduced and read first time: February 2, 2001
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Sexually Violent Predators - Sentencing**

3 FOR the purpose of requiring that a person found to be a sexually violent predator
4 under a certain provision shall be sentenced to imprisonment for life without the
5 possibility of parole; providing for the application of this Act; and generally
6 relating to the sentencing of sexually violent predators.

7 BY repealing and reenacting, without amendments,
8 Article - Criminal Procedure
9 Section 11-701 (a), (g), and (h)
10 Annotated Code of Maryland
11 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of
12 2001)

13 BY repealing and reenacting, with amendments,
14 Article - Criminal Procedure
15 Section 11-703
16 Annotated Code of Maryland
17 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of
18 2001)

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

21 **Article - Criminal Procedure**

22 11-701.

23 (a) In this subtitle the following words have the meanings indicated.

24 (g) "Sexually violent offense" means:

25 (1) a violation of Article 27, § 462, § 463, § 464, § 464A, § 464B, or § 464F
26 of the Code; or

1 (2) assault with intent to commit rape in the first or second degree or a
2 sexual offense in the first or second degree as prohibited on or before September 30,
3 1996, under former Article 27, § 12 of the Code.

4 (h) "Sexually violent predator" means a person who:

5 (1) is convicted of a subsequent sexually violent offense; and

6 (2) has been determined in accordance with this subtitle to be at risk of
7 committing another sexually violent offense.

8 11-703.

9 (a) (1) Subject to subsections (b) and (c) of this section, if a person is
10 convicted of a subsequent sexually violent offense, the State's Attorney before
11 sentencing may ask the court to determine whether the person is a sexually violent
12 predator.

13 (2) If the State's Attorney makes a request under paragraph (1) of this
14 subsection, the court shall determine, before or at sentencing, whether the person is a
15 sexually violent predator.

16 (b) In making a determination under subsection (a) of this section, the court
17 shall consider:

18 (1) evidence that the court considers appropriate to the determination of
19 whether the person is a sexually violent predator, including the presentencing
20 investigation and sexually violent offender's inmate record;

21 (2) evidence introduced by the person convicted; and

22 (3) at the request of the State's Attorney, evidence that a victim of the
23 sexually violent offense presents.

24 (c) The State's Attorney may not ask a court to determine whether a person is
25 a sexually violent predator under this section unless the State's Attorney serves
26 written notice of intent to make the request on the defendant or the defendant's
27 counsel at least 30 days before trial.

28 (D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PERSON FOUND TO
29 BE A SEXUALLY VIOLENT PREDATOR PURSUANT TO THIS SECTION SHALL BE
30 SENTENCED TO IMPRISONMENT FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
32 construed only prospectively and may not be applied or interpreted to have any effect
33 on or application to any offense committed before the effective date of this Act.

34 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 2001.