

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL NO. 1  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Registered”; in line 4, after “supervision;” insert “prohibiting certain sexual acts involving children who are under a certain age; requiring a court to impose a certain sentence for certain offenses under certain circumstances; establishing certain penalties; prohibiting the Parole Commission from granting credit for time between release on parole and revocation of parole for certain sexual offenders under certain circumstances; providing that the jurisdiction of the District Court is concurrent with the jurisdiction of the circuit court in certain criminal cases involving registration of certain offenders;”; in line 5, after “offenses” insert “and offenses involving children”; strike beginning with “requiring” in line 6 down through “requirements;” in line 8; in line 12, after “register;” insert “increasing the term of registration of certain registrants;”; and in line 13, after “circumstances;” insert “altering certain time periods for certain notification requirements;”.

On page 2, in line 10, after the semicolon insert “requiring the Department to reimburse a local law enforcement unit for the costs of certain community notification;”; in line 14, after “parole” insert “and probation”; in line 19, after “circumstances;” insert “requiring the Department to adopt certain regulations;”; in lines 19 and 20, strike “for a second or subsequent conviction”; in line 28, strike “for” and substitute “of”; in line 29, after “supervision;” insert “creating certain exceptions; giving a certain judge discretion to impose a term of extended sexual offender parole supervision for a certain category of sexual offender;”; in line 31, after “term;” insert “requiring a judge to state on the record at a certain time that a certain defendant’s sentence shall include a term of extended sexual offender parole supervision;”; in line 33, after “conditions” insert “and are based upon a certain risk assessment and classification”; in line 39, strike “of” and substitute “for”; and in line 47, after “safety;” insert “requiring the Commission to, by regulation, establish certain notice and hearing procedures;”.

On page 3, in line 1, after “administrator;” insert “providing that participation in a certain

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treatment program shall not prohibit a convicted individual from continuing to maintain a certain innocence;”; and strike beginning with “requiring” in line 3 down through “offenders;” in line 23 and substitute “requiring a sexual offender management team to be composed of a certain parole and probation agent, sexual offender treatment provider, and law enforcement representative; authorizing a sexual offender management team to include certain other persons; requiring a sexual offender management team to submit certain progress reports on certain registrants at certain intervals; requiring a sexual offender management team to provide a copy of a certain progress report to a certain local law enforcement unit; requiring the Commission, with the advice of a certain Board, to adopt certain regulations; establishing a Sexual Offender Advisory Board; providing for the membership, appointment, terms, staggering of terms, reimbursements, chairman, quorum and meeting requirements, duties, and staffing of the Board; requiring certain units of government to cooperate with the Board; defining certain terms; altering certain definitions; specifying the terms of the initial members of the Board;”.

On page 3, in line 33, after “Section 7-206” insert “and 7-401(d)”; after line 35, insert:

“BY repealing and reenacting, with amendments,

Article - Criminal Law

Section 3-303 through 3-306 and 3-309 through 3-312

Annotated Code of Maryland

(2002 Volume and 2005 Supplement)

BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings

Section 4-301(b)(21) and (22) and 4-302(a) and (d)(1)

Annotated Code of Maryland

(2002 Replacement Volume and 2005 Supplement)

BY adding to

Article - Courts and Judicial Proceedings

Section 4-301(b)(23)

Annotated Code of Maryland

(2002 Replacement Volume and 2005 Supplement)”;

in line 38, strike “11-705,”; and in the same line, after “11-709,” insert “11-713,”.

On page 4, strike in their entirety lines 10 through 14, inclusive.

AMENDMENT NO. 2

On page 6, after line 24, insert:

“7-401.

(d) (1) Subject to [paragraph (2)] PARAGRAPHS (2) AND (3) of this subsection and further action by the Commission, if the order of parole is revoked, the inmate shall serve the remainder of the sentence originally imposed unless the commissioner hearing the parole revocation, in the commissioner’s discretion, grants credit for time between release on parole and revocation of parole.

(2) An inmate may not receive credit for time between release on parole and revocation of parole if:

(i) the inmate was serving a sentence for a violent crime when parole was revoked; and

(ii) the parole was revoked due to a finding that the inmate committed a violent crime while on parole.

(3) AN INMATE MAY NOT RECEIVE CREDIT FOR TIME BETWEEN RELEASE ON PAROLE AND REVOCATION OF PAROLE IF:

(I) THE INMATE WAS SERVING A SENTENCE FOR A VIOLATION OF §§ 3-303 THROUGH 3-307, §§ 3-309 THROUGH 3-312, § 3-315, OR § 3-602 OF THE CRIMINAL LAW ARTICLE WHEN PAROLE WAS REVOKED; AND

(II) THE PAROLE WAS REVOKED FOR A FINDING THAT THE INMATE HAD:

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1. COMMITTED A VIOLENT CRIME WHILE ON PAROLE;
2. COMMITTED A VIOLATION OF § 3-307, § 3-308, § 3-315, §§ 3-321 THROUGH 3-324, OR § 3-602 OF THE CRIMINAL LAW ARTICLE; OR
3. COMMITTED A VIOLATION OF § 11-721 OR § 11-722 OF THE CRIMINAL PROCEDURE ARTICLE.

Article - Criminal Law

3-303.

(a) A person may not:

(1) engage in vaginal intercourse with another by force, or the threat of force, without the consent of the other; and

(2) (i) employ or display a dangerous weapon, or a physical object that the victim reasonably believes is a dangerous weapon;

(ii) suffocate, strangle, disfigure, or inflict serious physical injury on the victim or another in the course of committing the crime;

(iii) threaten, or place the victim in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping;

(iv) commit the crime while aided and abetted by another; or

(v) commit the crime in connection with a burglary in the first, second, or third degree.

(b) A person may not violate subsection (a) of this section while also violating § 3-503(a)(2) of this title involving a victim who is a child under the age of 16 years.

(C) A PERSON MAY NOT VIOLATE SUBSECTION (A) OF THIS SECTION

INVOLVING A VICTIM WHO IS A CHILD UNDER THE AGE OF 13 YEARS.

[(c)] (D) (1) Except as provided in paragraphs (2) [and], (3), AND (4) of this subsection, a person who violates subsection (a) of this section is guilty of the felony of rape in the first degree and on conviction is subject to imprisonment not exceeding life.

(2) A person who violates subsection (b) of this section is guilty of the felony of rape in the first degree and on conviction is subject to imprisonment not exceeding life without the possibility of parole.

(3) A person who violates this section is guilty of the felony of rape in the first degree and on conviction is subject to imprisonment not exceeding life without the possibility of parole if the defendant was previously convicted of violating this section or § 3-305 of this subtitle.

(4) (I) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS GUILTY OF THE FELONY OF RAPE IN THE FIRST DEGREE AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 25 YEARS AND NOT EXCEEDING LIFE WITHOUT THE POSSIBILITY OF PAROLE.

(II) A COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY MINIMUM SENTENCE OF 25 YEARS.

[(d)] (E) If the State intends to seek a sentence of imprisonment for life without the possibility of parole under subsection [(c)(2) or (3)] (D)(2), (3), OR (4) of this section, the State shall notify the person in writing of the State's intention at least 30 days before trial.

3-304.

(a) A person may not engage in vaginal intercourse with another:

(1) by force, or the threat of force, without the consent of the other;

(2) if the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the act knows or

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reasonably should know that the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual; or

(3) if the victim is under the age of 14 years, and the person performing the act is at least 4 years older than the victim.

(B) A PERSON MAY NOT VIOLATE SUBSECTION (A) OF THIS SECTION INVOLVING A VICTIM WHO IS A CHILD UNDER THE AGE OF 13 YEARS.

[(b)] (C) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A person who violates this section is guilty of the felony of rape in the second degree and on conviction is subject to imprisonment not exceeding 20 years.

(2) (I) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF THE FELONY OF RAPE IN THE SECOND DEGREE AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 25 YEARS AND NOT EXCEEDING LIFE.

(II) A COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY MINIMUM SENTENCE OF 25 YEARS.

3-305.

(a) A person may not:

(1) engage in a sexual act with another by force, or the threat of force, without the consent of the other; and

(2) (i) employ or display a dangerous weapon, or a physical object that the victim reasonably believes is a dangerous weapon;

(ii) suffocate, strangle, disfigure, or inflict serious physical injury on the victim or another in the course of committing the crime;

(iii) threaten, or place the victim in fear, that the victim, or an individual

known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping;

(iv) commit the crime while aided and abetted by another; or

(v) commit the crime in connection with a burglary in the first, second, or third degree.

(b) A person may not violate subsection (a) of this section while also violating § 3-503(a)(2) of this title involving a victim who is a child under the age of 16 years.

(C) A PERSON MAY NOT VIOLATE SUBSECTION (A) OF THIS SECTION INVOLVING A VICTIM WHO IS A CHILD UNDER THE AGE OF 13 YEARS.

[(c)] (D) (1) Except as provided in paragraphs (2) [and], (3), AND (4) of this subsection, a person who violates subsection (a) of this section is guilty of the felony of sexual offense in the first degree and on conviction is subject to imprisonment not exceeding life.

(2) A person who violates subsection (b) of this section is guilty of the felony of sexual offense in the first degree and on conviction is subject to imprisonment not exceeding life without the possibility of parole.

(3) A person who violates this section is guilty of the felony of sexual offense in the first degree and on conviction is subject to imprisonment not exceeding life without the possibility of parole if the defendant was previously convicted of violating this section or § 3-303 of this subtitle.

(4) (I) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS GUILTY OF THE FELONY OF SEXUAL OFFENSE IN THE FIRST DEGREE AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 25 YEARS AND NOT EXCEEDING LIFE WITHOUT THE POSSIBILITY OF PAROLE.

(II) A COURT MAY NOT SUSPEND ANY PART OF THE

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MANDATORY MINIMUM SENTENCE OF 25 YEARS.

[(d)] (E) If the State intends to seek a sentence of imprisonment for life without the possibility of parole under subsection [(c)(2) or (3)] (D)(2), (3), OR (4) of this section, the State shall notify the person in writing of the State's intention at least 30 days before trial.

3-306.

(a) A person may not engage in a sexual act with another:

(1) by force, or the threat of force, without the consent of the other;

(2) if the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the sexual act knows or reasonably should know that the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual; or

(3) if the victim is under the age of 14 years, and the person performing the sexual act is at least 4 years older than the victim.

(B) A PERSON MAY NOT VIOLATE SUBSECTION (A) OF THIS SECTION INVOLVING A VICTIM WHO IS A CHILD UNDER THE AGE OF 13 YEARS.

[(b)] (C) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A person who violates this section is guilty of the felony of sexual offense in the second degree and on conviction is subject to imprisonment not exceeding 20 years.

(2) (I) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF THE FELONY OF SEXUAL OFFENSE IN THE SECOND DEGREE AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 25 YEARS AND NOT EXCEEDING LIFE.

(II) A COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY MINIMUM SENTENCE OF 25 YEARS.

3-309.



(a) A person may not attempt to commit rape in the first degree.

(B) A PERSON MAY NOT VIOLATE SUBSECTION (A) OF THIS SECTION INVOLVING A VICTIM WHO IS A CHILD UNDER THE AGE OF 13 YEARS.

[(b)] (C) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding life.

(2) (I) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 25 YEARS AND NOT EXCEEDING LIFE WITHOUT THE POSSIBILITY OF PAROLE.

(II) A COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY MINIMUM SENTENCE OF 25 YEARS.

(D) IF THE STATE INTENDS TO SEEK A SENTENCE OF IMPRISONMENT FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE UNDER SUBSECTION (C)(2) OF THIS SECTION, THE STATE SHALL NOTIFY THE PERSON IN WRITING OF THE STATE'S INTENTION AT LEAST 30 DAYS BEFORE TRIAL.

3-310.

(a) A person may not attempt to commit rape in the second degree.

(B) A PERSON MAY NOT VIOLATE SUBSECTION (A) OF THIS SECTION INVOLVING A VICTIM WHO IS A CHILD UNDER THE AGE OF 13 YEARS.

[(b)] (C) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

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(2) (I) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 25 YEARS AND NOT EXCEEDING LIFE.

(II) A COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY MINIMUM SENTENCE OF 25 YEARS.

3-311.

(a) A person may not attempt to commit a sexual offense in the first degree.

(B) A PERSON MAY NOT VIOLATE SUBSECTION (A) OF THIS SECTION INVOLVING A VICTIM WHO IS A CHILD UNDER THE AGE OF 13 YEARS.

[(b)] (C) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding life.

(2) (I) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 25 YEARS AND NOT EXCEEDING LIFE WITHOUT THE POSSIBILITY OF PAROLE.

(II) A COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY MINIMUM SENTENCE OF 25 YEARS.

(D) IF THE STATE INTENDS TO SEEK A SENTENCE OF IMPRISONMENT FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE UNDER SUBSECTION (C)(2) OF THIS SECTION, THE STATE SHALL NOTIFY THE PERSON IN WRITING OF THE STATE'S INTENTION AT LEAST 30 DAYS BEFORE TRIAL.

3-312.

(a) A person may not attempt to commit a sexual offense in the second degree.

(B) A PERSON MAY NOT VIOLATE SUBSECTION (A) OF THIS SECTION INVOLVING A VICTIM WHO IS A CHILD UNDER THE AGE OF 13 YEARS.

[(b)] (C) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years.

(2) (I) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 25 YEARS AND NOT EXCEEDING LIFE.

(II) A COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY MINIMUM SENTENCE OF 25 YEARS.

Article - Courts and Judicial Proceedings

4-301.

(b) Except as provided in § 4-302 of this subtitle, the District Court also has exclusive original jurisdiction in a criminal case in which a person at least 18 years old or a corporation is charged with:

(21) Violation of §§ 16-801 through 16-804 of the Election Law Article; [or]

(22) Violation of § 3-203(c) of the Criminal Law Article; OR

(23) VIOLATION OF § 11-721 OF THE CRIMINAL PROCEDURE ARTICLE.

4-302.

(a) Except as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), [and] (22), AND (23) of this subtitle, the District Court does not

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have jurisdiction to try a criminal case charging the commission of a felony.

(d) (1) Except as provided in paragraph (2) of this subsection, the jurisdiction of the District Court is concurrent with that of the circuit court in a criminal case:

(i) In which the penalty may be confinement for 3 years or more or a fine of \$2,500 or more; or

(ii) That is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), [and] (22), AND (23) of this subtitle.”.

AMENDMENT NO. 3

On page 8, in line 1, after “THE” insert “INITIAL”; strike beginning with the second “the” in line 11 down through “under” in line 12; in line 12, after “3-307” insert “, §§ 3-309 THROUGH 3-312, § 3-315, OR §§ 3-321 THROUGH 3-324”; and strike in their entirety lines 26 through 35, inclusive.

AMENDMENT NO. 4

On page 9, strike in their entirety lines 1 and 2.

AMENDMENT NO. 5

On pages 11 through 13, strike in their entirety the lines beginning with line 35 on page 11 through line 18 on page 13, inclusive.

AMENDMENT NO. 6

On page 13, in line 28, strike “A LOCAL LAW ENFORCEMENT UNIT” and substitute “the Department”.

AMENDMENT NO. 7

On page 14, in line 2, strike “10” and substitute “20”; in line 26, strike “THE” and substitute “A”; and strike in their entirety lines 31 through 33, inclusive.

AMENDMENT NO. 8

On page 15, in line 4, strike “QUARTERLY” and substitute “annual”; in line 6, strike “5” and substitute “10”; in line 11, strike “WITHIN 1 MILE OF”; in line 28, strike “5” and substitute “10”; in line 33, after “STATE” insert “IS A TRANSIENT OR”; in line 34, strike “5” and substitute

“10”; and in line 39, after “STATE” insert “IS A TRANSIENT OR”.

AMENDMENT NO. 9

On page 16, in line 8, after “STATE” insert “IS A TRANSIENT OR”.

AMENDMENT NO. 10

On page 18, after line 5, insert:

“11-713.

The Department:

(1) as soon as possible but not later than 5 working days after receiving the conviction data and fingerprints of a registrant, shall transmit the data and fingerprints to the Federal Bureau of Investigation if the Bureau does not have that information;

(2) shall keep a central registry of registrants;

(3) shall reimburse supervising authorities for the cost of processing the registration statements of registrants, including the cost of taking fingerprints and photographs; AND

(4) SHALL REIMBURSE LOCAL LAW ENFORCEMENT UNITS FOR THE REASONABLE COSTS OF IMPLEMENTING COMMUNITY NOTIFICATION PROCEDURES.”;

in line 13, strike “DETAILS” and substitute “DETAIL”; in line 19, after “PAROLE” insert “AND PROBATION”; in line 21, after “STATE” insert “IS A TRANSIENT OR”; in line 24, after “STATE,” insert “IS A TRANSIENT OR”; and in line 33, after “person” insert “OR GROUP”.

AMENDMENT NO. 11

On page 19, strike beginning with “APPROPRIATE” in line 4 down through “SUBTITLE” in line 5 and substitute “IN ADDITION TO THE PROCEDURE SPECIFIED IN § 11-709 OF THIS SUBTITLE, A LOCAL LAW ENFORCEMENT UNIT MAY PROVIDE NOTIFICATION BY ANY OTHER METHOD IT CONSIDERS APPROPRIATE.”

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(3) THE DEPARTMENT SHALL ADOPT REGULATIONS REGARDING THE FACTORS A LOCAL LAW ENFORCEMENT UNIT SHALL CONSIDER IN DETERMINING THE SCOPE AND MANNER OF NOTIFICATION THAT SHALL BEST SERVE THE INTERESTS OF JUSTICE, COMMUNITY SAFETY, AND AVAILABILITY OF RESOURCES TO LOCAL LAW ENFORCEMENT”;

and strike beginning with the colon in line 14 down through “Article.” in line 22 and substitute “IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.”.

AMENDMENT NO. 12

On pages 19 through 23, strike in their entirety the lines beginning with line 24 on page 19 through line 9 on page 23, inclusive, and substitute:

“(A) THIS SECTION DOES NOT APPLY TO A REGISTRANT WHO ENTERS REAL PROPERTY:

(1) WHERE THE REGISTRANT IS A STUDENT OR THE REGISTRANT’S CHILD IS A STUDENT OR RECEIVES CHILD CARE, IF:

(I) WITHIN THE PAST YEAR, THE REGISTRANT HAS BEEN GIVEN THE SPECIFIC WRITTEN PERMISSION OF THE SUPERINTENDENT OF SCHOOLS, THE LOCAL SCHOOL BOARD, THE PRINCIPAL OF THE SCHOOL, OR THE OWNER OR OPERATOR OF THE REGISTERED FAMILY DAY CARE HOME, LICENSED CHILD CARE HOME, OR LICENSED CHILD CARE INSTITUTION, AS APPLICABLE; AND

(II) THE REGISTRANT PROMPTLY NOTIFIES AN AGENT OR EMPLOYEE OF THE SCHOOL, HOME, OR INSTITUTION OF THE REGISTRANT’S PRESENCE AND PURPOSE OF VISIT; OR

(2) FOR THE PURPOSE OF VOTING AT A SCHOOL ON AN ELECTION DAY IN THE STATE, IF THE REGISTRANT IS PROPERLY REGISTERED TO VOTE AND THE REGISTRANT’S POLLING PLACE IS AT THE SCHOOL.

(B) A REGISTRANT MAY NOT KNOWINGLY ENTER ON REAL PROPERTY:

(1) THAT IS USED FOR PUBLIC OR NONPUBLIC ELEMENTARY OR SECONDARY EDUCATION; OR

(2) ON WHICH IS LOCATED:

(I) A FAMILY DAY CARE HOME REGISTERED UNDER TITLE 5, SUBTITLE 5 OF THE FAMILY LAW ARTICLE; OR

(II) A CHILD CARE HOME OR A CHILD CARE INSTITUTION LICENSED UNDER TITLE 5, SUBTITLE 5 OF THE FAMILY LAW ARTICLE.

(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

11-723.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A SENTENCE FOR A DEFENDANT FOR A VIOLATION THAT REQUIRES THE DEFENDANT TO REGISTER AS A SEX OFFENDER FOR A TERM OF LIFE UNDER § 11-707 OF THIS SUBTITLE SHALL INCLUDE A TERM OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION.

(B) (1) A DEFENDANT WHO IS SENTENCED TO A TERM OF LIFE WITHOUT THE POSSIBILITY OF PAROLE IS NOT SUBJECT TO A TERM OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION.

(2) THE SENTENCING JUDGE SHALL HAVE DISCRETION TO IMPOSE A TERM OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION IN THE CASE OF A DEFENDANT WHO IS REQUIRED TO REGISTER AS A SEXUAL OFFENDER FOR LIFE BECAUSE THE DEFENDANT HAS BEEN CONVICTED ONCE FOR THIRD DEGREE SEXUAL OFFENSE, BASED UPON THE DEFENDANT'S VIOLATION OF THE PROHIBITION

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AGAINST:

(I) ENGAGING IN SEXUAL CONTACT WITH ANOTHER IF THE VICTIM IS UNDER THE AGE OF 14 YEARS, AND THE PERSON PERFORMING THE SEXUAL CONTACT IS AT LEAST 4 YEARS OLDER THAN THE VICTIM;

(II) ENGAGING IN A SEXUAL ACT WITH ANOTHER IF THE VICTIM IS 14 OR 15 YEARS OLD, AND THE PERSON PERFORMING THE SEXUAL ACT IS AT LEAST 21 YEARS OLD; OR

(III) ENGAGING IN VAGINAL INTERCOURSE WITH ANOTHER IF THE VICTIM IS 14 OR 15 YEARS OLD, AND THE PERSON PERFORMING THE ACT IS AT LEAST 21 YEARS OLD.

(C) THE TERM OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION FOR A DEFENDANT SENTENCED ON OR AFTER OCTOBER 1, 2006, SHALL:

(1) BE A MINIMUM OF 3 YEARS TO A MAXIMUM OF A TERM OF LIFE;

AND

(2) COMMENCE ON THE EXPIRATION OF THE LATER OF ANY TERM OF IMPRISONMENT, PROBATION, PAROLE, OR MANDATORY SUPERVISION.

(D) AT SENTENCING, WHEN APPLICABLE, THE JUDGE SHALL STATE ON THE RECORD THAT THE DEFENDANT'S SENTENCE SHALL INCLUDE A TERM OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION.

11-724.

(A) THE MARYLAND PAROLE COMMISSION SHALL:

(1) ENTER INTO AND SIGN EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION AGREEMENTS WITH REGISTRANTS SENTENCED TO SUPERVISION UNDER § 11-723 OF THIS SUBTITLE THAT SET OUT SPECIFIC CONDITIONS OF SUPERVISION, WHICH SHALL:



(I) BE BASED ON A RISK ASSESSMENT AND CLASSIFICATION THAT HAS BEEN CONDUCTED FOR THE REGISTRANT; AND

(II) BEGIN AT THE COMMENCEMENT OF THE REGISTRANT'S REGULAR PROBATION, PAROLE, OR MANDATORY RELEASE;

(2) HEAR AND ADJUDICATE CASES OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION VIOLATIONS; AND

(3) IMPOSE SANCTIONS FOR EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION VIOLATIONS, INCLUDING ADDITIONAL RESTRICTIVE CONDITIONS OR IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.

(B) IMPRISONMENT FOR AN EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION VIOLATION IS NOT SUBJECT TO DIMINUTION CREDITS.

(C) SPECIFIC CONDITIONS OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION MAY INCLUDE:

(1) MONITORING A REGISTRANT THROUGH GLOBAL POSITIONING SATELLITE TRACKING TECHNOLOGY;

(2) WHERE APPROPRIATE AND FEASIBLE, RESTRICTING A REGISTRANT FROM LIVING IN PROXIMITY TO OR LOITERING NEAR SCHOOLS, FAMILY DAY CARE CENTERS, CHILD CARE CENTERS, AND OTHER SPECIFIC PLACES PRIMARILY USED BY MINORS;

(3) RESTRICTING A REGISTRANT FROM OBTAINING SPECIFIC EMPLOYMENT OR FROM PARTICIPATING IN A SPECIFIC ACTIVITY THAT WOULD BRING THE REGISTRANT INTO CONTACT WITH MINORS;

(4) REQUIRING A REGISTRANT TO PARTICIPATE IN A CERTIFIED SEXUAL OFFENDER TREATMENT PROGRAM;

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(5) PROHIBITING A REGISTRANT FROM USING ILLICIT DRUGS OR ABUSING ALCOHOL;

(6) AUTHORIZING PAROLE AND PROBATION AGENTS TO ACCESS THE COMPUTER OF A REGISTRANT FOR COMPLIANCE WITH TERMS OF PAROLE OR SEXUAL OFFENDER TREATMENT;

(7) REQUIRING A REGISTRANT TO TAKE POLYGRAPH EXAMINATIONS; AND

(8) PROHIBITING A REGISTRANT FROM CONTACTING SPECIFIC INDIVIDUALS OR CATEGORIES OF INDIVIDUALS.

(D) (1) THE COMMISSION SHALL HEAR AND ADJUDICATE A PETITION FOR DISCHARGE FROM EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION FROM A REGISTRANT.

(2) A REGISTRANT MAY FILE A PETITION FOR DISCHARGE AFTER SERVING AT LEAST 3 YEARS OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION.

(3) IF A PETITION FOR DISCHARGE IS DENIED, A REGISTRANT MAY NOT RENEW THE PETITION FOR A MINIMUM OF 1 YEAR.

(4) A PETITION FOR DISCHARGE SHALL INCLUDE:

(I) A RISK ASSESSMENT OF THE REGISTRANT CONDUCTED BY A CERTIFIED SEXUAL OFFENDER TREATMENT PROVIDER WITHIN 3 MONTHS BEFORE THE DATE OF THE FILING OF THE PETITION; AND

(II) A RECOMMENDATION REGARDING THE DISCHARGE OF THE REGISTRANT FROM THE SEXUAL OFFENDER MANAGEMENT TEAM.

(5) THE COMMISSION MAY NOT DISCHARGE A REGISTRANT FROM

EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION UNLESS THE COMMISSION DETERMINES THAT THE PETITIONER NO LONGER POSES AN UNACCEPTABLE RISK TO COMMUNITY SAFETY.

(E) THE COMMISSION SHALL HAVE ALL OF THE POWERS SET FORTH IN §§ 7-205 AND 7-206 OF THE CORRECTIONAL SERVICES ARTICLE FOR THE PURPOSE OF CARRYING OUT THE DUTIES OF THE COMMISSION UNDER THIS SUBTITLE.

(F) THE COMMISSION SHALL APPOINT AN ADMINISTRATOR TO COORDINATE THE REQUIREMENTS OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION UNDER THIS SUBTITLE.

(G) PARTICIPATION IN A CERTIFIED SEXUAL OFFENDER TREATMENT PROGRAM SHALL NOT PROHIBIT A CONVICTED INDIVIDUAL FROM CONTINUING TO MAINTAIN A CONSISTENTLY PROCLAIMED INNOCENCE.

(H) THE COMMISSION SHALL, BY REGULATION, ESTABLISH CONSTITUTIONALLY COMPLIANT NOTICE AND HEARING PROCEDURES APPLICABLE TO THE IMPOSITION OF SANCTIONS FOR EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION VIOLATIONS AND PETITIONS FOR DISCHARGE FROM EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION.

11-725.

(A) UNDER THE SUPERVISION OF THE DIVISION OF PAROLE AND PROBATION, A SEXUAL OFFENDER MANAGEMENT TEAM SHALL CONDUCT EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION AND THE SUPERVISION OF PROBATION, PAROLE, OR MANDATORY RELEASE OF A REGISTRANT SUBJECT TO EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION.

(B) A SEXUAL OFFENDER MANAGEMENT TEAM:

(1) CONSISTS OF:

(Over)

- (I) A SPECIALLY-TRAINED PAROLE AND PROBATION AGENT;
- (II) A REPRESENTATIVE OF A CERTIFIED SEX OFFENDER TREATMENT PROVIDER; AND
- (III) A LAW ENFORCEMENT REPRESENTATIVE; AND
- (2) MAY INCLUDE:
  - (I) VICTIM ADVOCATES;
  - (II) FAITH COUNSELORS;
  - (III) EMPLOYMENT COUNSELORS;
  - (IV) COMMUNITY LEADERS;
  - (V) A POLYGRAPHER; AND
  - (VI) ANY OTHER PERSON DETERMINED BY THE DIVISION OF PAROLE AND PROBATION TO BE APPROPRIATE.

(C) (1) A SEXUAL OFFENDER MANAGEMENT TEAM SHALL SUBMIT PROGRESS REPORTS ON EACH REGISTRANT TO THE COMMISSION ONCE EVERY 6 MONTHS.

(2) TO THE EXTENT ALLOWED BY FEDERAL LAW, A SEXUAL OFFENDER MANAGEMENT TEAM SHALL PROVIDE COPIES OF EACH PROGRESS REPORT TO LOCAL LAW ENFORCEMENT UNITS OF THE COUNTY IN WHICH THE REGISTRANT RESIDES OR WHERE A SEXUAL OFFENDER WHO IS NOT A RESIDENT OF THE STATE IS A TRANSIENT OR WILL WORK OR ATTEND SCHOOL.”.

AMENDMENT NO. 13

On page 24, strike in their entirety lines 11 through 20, inclusive.

AMENDMENT NO. 14

On pages 24 through 27, strike in their entirety the lines beginning with line 26 on page 24 through line 9 on page 27, inclusive, and substitute:

“(B) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:

(1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE;

(2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE;

(3) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, OR THE SECRETARY’S DESIGNEE;

(4) THE DIRECTOR OF THE DIVISION OF PAROLE AND PROBATION, OR THE DIRECTOR’S DESIGNEE;

(5) THE CHAIRMAN OF THE MARYLAND PAROLE COMMISSION, OR THE CHAIRMAN’S DESIGNEE;

(6) THE EXECUTIVE DIRECTOR OF THE MENTAL HYGIENE ADMINISTRATION OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, OR THE EXECUTIVE DIRECTOR’S DESIGNEE;

(7) THE SECRETARY OF STATE POLICE, OR THE SECRETARY’S DESIGNEE;

(8) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL’S DESIGNEE; AND

(9) THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR:

(Over)

- (I) A REPRESENTATIVE FROM A VICTIM'S ADVOCACY GROUP;
  - (II) A HEALTH CARE PROFESSIONAL WITH EXPERTISE IN MENTAL DISORDERS;
  - (III) A STATE'S ATTORNEY;
  - (IV) A LAWYER WITH EXPERTISE IN CRIMINAL DEFENSE;
  - (V) A SEXUAL OFFENDER TREATMENT PROVIDER;
  - (VI) A POLYGRAPHER;
  - (VII) A REPRESENTATIVE OF A LOCAL LAW ENFORCEMENT UNIT; AND
  - (VIII) TWO CITIZEN MEMBERS.
- (C) (1) THE TERM OF A MEMBER APPOINTED BY THE GOVERNOR IS 4 YEARS.
- (2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2006.
- (3) AT THE END OF A TERM AN APPOINTED MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.
- (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.
- (5) A MEMBER WHOSE TERM HAS EXPIRED MAY BE REAPPOINTED TO THE BOARD.

(D) A BOARD MEMBER:

(1) MAY NOT RECEIVE COMPENSATION FOR SERVING ON THE BOARD; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(E) THE GOVERNOR SHALL SELECT A CHAIRMAN FROM AMONG THE BOARD'S MEMBERS.

(F) (1) A MAJORITY OF THE BOARD'S DULY APPOINTED MEMBERS CONSTITUTES A QUORUM.

(2) THE BOARD MAY ADOPT RULES FOR CONDUCTING BUSINESS.

(3) THE BOARD SHALL MEET AT LEAST FOUR TIMES ANNUALLY AT THE TIMES AND PLACES IT DETERMINES.

(G) THE BOARD SHALL:

(1) REVIEW TECHNOLOGY FOR THE TRACKING OF OFFENDERS;

(2) REVIEW THE EFFECTIVENESS OF THE STATE'S LAWS CONCERNING SEXUAL OFFENDERS;

(3) REVIEW THE LAWS OF OTHER STATES AND JURISDICTIONS CONCERNING SEXUAL OFFENDERS;

(4) REVIEW PRACTICES AND PROCEDURES OF THE MARYLAND PAROLE COMMISSION AND THE DIVISION OF PAROLE AND PROBATION CONCERNING SUPERVISION AND MONITORING OF SEXUAL OFFENDERS;

(Over)

(5) REVIEW DEVELOPMENTS IN THE TREATMENT AND ASSESSMENT OF SEXUAL OFFENDERS; AND

(6) DEVELOP STANDARDS FOR CONDITIONS OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION BASED ON CURRENT AND EVOLVING BEST PRACTICES IN THE FIELD OF SEXUAL OFFENDER MANAGEMENT.

(H) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL:

(1) DEVELOP STANDARDS FOR SEXUAL OFFENDER TREATMENT BASED ON CURRENT AND EVOLVING BEST PRACTICES, AND REPORT TO THE BOARD REGARDING SUCH STANDARDS; AND

(2) CERTIFY STATE SEXUAL OFFENDER TREATMENT PROGRAMS THAT ARE IN COMPLIANCE WITH STANDARDS, AND REPORT TO THE BOARD REGARDING SUCH CERTIFICATION.

(I) THE DIVISION OF PAROLE AND PROBATION SHALL PROVIDE TRAINING FOR SEXUAL OFFENDER MANAGEMENT TEAMS, AND REPORT TO THE BOARD REGARDING SUCH TRAINING.

(J) ON OR BEFORE JUNE 30, 2008, AND EVERY YEAR THEREAFTER THE BOARD SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

(K) EACH UNIT OF STATE AND LOCAL GOVERNMENT SHALL COOPERATE WITH THE BOARD.

(L) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL PROVIDE STAFF TO THE BOARD.

SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial members of



the Sexual Offender Advisory Board who are subject to appointment shall expire as follows:

- (1) One member of the public in 2007;
- (2) The member of the victim's advocacy group in 2007;
- (3) The health care professional with expertise in mental disorders in 2008;
- (4) One member of the public in 2008;
- (5) The sexual offender treatment provider in 2008;
- (6) The lawyer with expertise in criminal defense in 2009;
- (7) The State's Attorney in 2009; and
- (8) The polygrapher in 2009.

SECTION 3. AND BE IT FURTHER ENACTED, That, if a registrant who was required to register before October 1, 2006, has not submitted a DNA sample, as defined in § 2-501 of the Public Safety Article, for inclusion in the statewide DNA database system of the Department of State Police Crime Laboratory, a supervising authority at the next registration of the registrant shall:

- (1) Obtain a DNA sample from the registrant; and
- (2) Provide the sample to the statewide DNA database system of the Department of State Police Crime Laboratory.”.

On page 27, in line 10, strike “3.” and substitute “4.”.