

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 4
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Hixson” and substitute “Hixson, Petzold, Anderson, Aumann, Barkley, Bartlett, Barve, Benson, Bobo, Bohanan, Boschert, Boteler, Bozman, Branch, Bromwell, Bronrott, Burns, Cadden, Cane, Cardin, Carter, G. Clagett, V. Clagett, Cluster, Conroy, Conway, Cryor, C. Davis, D. Davis, DeBoy, Donoghue, Doory, Dumais, Dwyer, Eckardt, Edwards, Elliott, Elmore, Frank, Gaines, Gilleland, Glassman, Goldwater, Goodwin, Griffith, Gutierrez, Haddaway, Hammen, Harrison, Haynes, Healey, Heller, Holmes, Hogan, Howard, Hubbard, Impallaria, James, Jameson, Jennings, Jones, Kach, Kaiser, Kelley, Kelly, King, Kirk, Kohl, Krebs, Krysiak, Kullen, Lawton, Lee, Leopold, Levy, Love, Madaleno, Malone, Mandel, Marriott, Mayer, McComas, McDonough, McHale, McIntosh, McKee, McMillan, Menes, Miller, Minnick, Moe, Montgomery, Morhaim, Murray, Myers, Nathan-Pulliam, Oaks, O’Donnell, Paige, Parker, Parrott, Patterson, Pendergrass, Proctor, Pugh, Rosenberg, Rudolph, Shank, Shewell, Simmons, Smigiel, Sophocleus, Sossi, Stern, Stocksdale, Stull, Taylor, Trueschler, F. Turner, V. Turner, Vaughn, Weir, Weldon, and Zirkin”.

AMENDMENT NO. 2

On page 1, in line 4, after “supervision;” insert “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; establishing that the initial registration of an individual relating to certain sexual offenses and offenses involving children is a reportable offense for certain criminal records purposes; establishing that all persons subject to certain registration requirements must register in person every 3 months; requiring that certain registrations include a photograph that shall be updated at least once each year; repealing certain dates before which certain registrants are required to register; increasing the term of registration of certain registrants; requiring a certain supervising authority to obtain a DNA sample from a certain registrant under certain circumstances; altering certain time periods for

(Over)

certain notification requirements;”; in line 5, after “superintendent” insert “and certain nonpublic schools”; in line 13, strike “requiring” and substitute “authorizing”; strike beginning with “offenders” in line 15 down through “appropriate;” in line 24 and substitute “offenders;”; in line 30, after “parole” insert “and probation”; in line 31, strike “make available to” and substitute “allow”; in line 32, strike “public” and substitute “public, by request, to receive”; and in line 34, after “circumstances;” insert “requiring the Department to adopt certain regulations;”.

AMENDMENT NO. 3

On page 2, in line 5, after “statement;” insert “prohibiting certain registrants from entering the real property of certain schools, day care homes, child care homes, or child care institutions under certain circumstances; establishing certain penalties;”; in line 6, strike “for” and substitute “of”; in line 7, 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 9, 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 10, strike “negotiate, enter into,” and substitute “enter into”; in line 11, after “conditions” insert “and are based upon a certain risk assessment and classification”; in line 16, strike “of” and substitute “for”; in line 25, after “safety;” insert “requiring the Commission to, by regulation, establish certain notice and hearing procedures;”; in line 27, after “administrator;” insert “providing that participation in a certain treatment program shall not prohibit a convicted individual from continuing to maintain a certain innocence;”; in line 30, strike “comprised” and substitute “composed”; in the same line, after “parole” insert “and probation”; in line 31, strike “polygrapher” and substitute “law enforcement representative”; in line 35, after “unit;” insert “requiring the Commission, with the advice of a certain Board, to adopt certain regulations;”; in line 36, strike “Board” and substitute “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;”; and strike beginning with “to” in line 36 down through “terms;” in line 40 and substitute “defining certain terms; altering certain definitions;”.

AMENDMENT NO. 4

On page 3, in line 3, after “7-206” insert “and 7-401(d)”; after line 5, insert:

“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 8, after “Section” insert “10-215(a),”; in the same line, after “11-701,” insert “11-707, 11-708(b),”; strike in their entirety lines 11 through 15, inclusive; and after line 20, insert:

“BY adding to

Article - Public Safety
Section 1-401 to be under the new subtitle “Subtitle 4. Sexual Offender Advisory Board”
Annotated Code of Maryland
(2003 Volume and 2005 Supplement)”.

AMENDMENT NO. 5

On page 5, 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:

(Over)

(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:

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 - 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 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. 6

On page 5, after line 25, insert:

“10-215.

(a) The following events are reportable events under this subtitle that must be reported to the Central Repository in accordance with § 10-214 of this subtitle:

(1) the issuance or withdrawal of an arrest warrant;

(2) an arrest;

(3) the release of a person after arrest without the filing of a charge;

(4) the filing of a charging document;

(Over)

- (5) a release pending trial or an appeal;
- (6) a commitment to an institution of pretrial detention;
- (7) the dismissal of an indictment or criminal information;
- (8) a nolle prosequi;
- (9) the marking of a charge “stet” on the docket;
- (10) an acquittal, conviction, verdict of not criminally responsible, or any other disposition of a case at or following trial, including a finding of probation before judgment;
- (11) the imposition of a sentence;
- (12) a commitment to a State correctional facility or local correctional facility;
- (13) a commitment to the Department of Health and Mental Hygiene under § 3-105 or § 3-111 of this article as incompetent to stand trial or not criminally responsible;
- (14) a release from detention or confinement;
- (15) a conditional release, revocation of conditional release, or discharge of a person committed to the Department of Health and Mental Hygiene under § 3-105 or § 3-111 of this article as incompetent to stand trial or not criminally responsible;
- (16) an escape from confinement or commitment;
- (17) a pardon, reprieve, commutation of a sentence, or other change in a sentence, including a change in a sentence that a court orders;
- (18) an entry of an appeal to an appellate court;
- (19) a judgment of an appellate court;
- (20) an order of a court in a collateral proceeding that affects a person’s conviction,

sentence, or confinement;

(21) an adjudication of a child as delinquent:

(i) if the child is at least 14 years old, for an act described in § 3-8A-03(d)(1) of the Courts Article; or

(ii) if the child is at least 16 years old, for an act described in § 3-8A-03(d)(4) or (5) of the Courts Article;

(22) the issuance or withdrawal of a writ of attachment by a juvenile court; [and]

(23) THE INITIAL REGISTRATION OF A PERSON UNDER TITLE 11, SUBTITLE 7 OF THIS ARTICLE; AND

[(23)] (24) any other event arising out of or occurring during the course of a criminal proceeding that the Secretary by regulation or the Court of Appeals by rule makes a reportable event.”.

AMENDMENT NO. 7

On page 5, strike beginning with the second “the” in line 31 down through “under” in line 32; and in line 32, strike “3-307” and substitute “3-307, §§ 3-309 THROUGH 3-312, § 3-315, OR §§ 3-321 THROUGH 3-324”.

On page 9, strike beginning with “annually” in line 11 down through “1,” in line 12 and substitute “IN PERSON EVERY 3 MONTHS”; in line 14, strike “Each registration shall include a new photograph.” and substitute “REGISTRATION SHALL INCLUDE A PHOTOGRAPH THAT SHALL BE UPDATED AT LEAST ONCE EACH YEAR.”; in line 15, after “(2)” insert “(I)”; strike beginning with “annually,” in line 15 down through “1,” in line 16 and substitute “IN PERSON EVERY 3 MONTHS”; after line 17, insert:

“(II) REGISTRATION SHALL INCLUDE A PHOTOGRAPH THAT SHALL BE UPDATED AT LEAST ONCE EACH YEAR.”;

(Over)

strike beginning with “90” in line 18 down through “days” in line 19 and substitute “3 MONTHS”; in line 19, strike “on or before January 1, April 1, July 1, and October 1,”; and in line 25, strike “10” and substitute “20”.

AMENDMENT NO. 8

On page 10, after line 7, insert:

“11-708.

(b) (1) The supervising authority shall obtain a photograph and fingerprints of the registrant and attach the photograph and fingerprints to the registration statement.

(2) FOR A REGISTRANT WHO 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 SHALL:

(I) OBTAIN A DNA SAMPLE FROM THE REGISTRANT AT THE REGISTRANT’S INITIAL REGISTRATION; AND

(II) PROVIDE THE SAMPLE TO THE STATEWIDE DNA DATABASE SYSTEM OF THE DEPARTMENT OF STATE POLICE CRIME LABORATORY.”.

AMENDMENT NO. 9

On page 10, in lines 13, 20, and 34, in each instance, strike “5” and substitute “10”; and in line 17, after “Article,” insert “AND ALL NONPUBLIC PRIMARY AND SECONDARY SCHOOLS”.

On page 11, in lines 2, 8, and 15, in each instance, after “STATE” insert “IS A TRANSIENT OR”; in lines 3 and 9, in each instance, strike “5” and substitute “10”; strike beginning with the first “AS” in line 9 down through “OFFENDER,” in line 12; strike beginning with “SHALL” in line 12 down through “TO” in line 13 and substitute “MAY NOTIFY”; in line 14, strike “AREA” and substitute “COMMUNITY”; in line 14, strike the second “THE” and substitute “A”; and in line 16, after “SCHOOL” insert “OF THE FILING OF A REGISTRATION STATEMENT OR NOTICE OF CHANGE OF ADDRESS BY THE CHILD SEXUAL OFFENDER”.

On pages 11 and 12, strike in their entirety the lines beginning with line 23 on page 11 through line 36 on page 12, inclusive.

AMENDMENT NO. 10

On page 13, in line 11, after “THE” insert “REASONABLE”; in line 19, strike “REGISTRATION” and substitute “REGISTRATION, EXCLUDING DETAIL THAT WOULD IDENTIFY THE VICTIM”; in line 25, after “PAROLE” insert “AND PROBATION”; in line 27, after “STATE” insert “IS A TRANSIENT OR”; in line 28, strike “MAKE AVAILABLE TO” and substitute “ALLOW”; in line 30, after “STATE,” insert “IS A TRANSIENT OR”; and strike beginning with “SCHOOL” in line 30 down through “RECEIVING” in line 31 and substitute “SCHOOL, BY REQUEST, TO RECEIVE”.

AMENDMENT NO. 11

On page 14, in line 5, after “person” insert “OR GROUP”; strike beginning with “APPROPRIATE” in line 13 down through “SUBTITLE” in line 14 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.”

(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 in their entirety lines 26 and 27 and substitute:

“11-722.

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

(Over)

(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.”.

On page 14, in line 28, strike “11-722.” and substitute “11-723.”; strike beginning with “WHERE” in line 29 down through “IMPOSED,” in line 30 and substitute “AS PROVIDED IN SUBSECTION (B) OF THIS SECTION.”; after line 33, insert:

“(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 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.”;

and in line 34, strike “(B)” and substitute “(C)”.

On page 15, after line 2, insert:

“(D) AT SENTENCING, WHEN APPLICABLE, THE JUDGE SHALL STATE ON THE RECORD THAT THE DEFENDANT’S SENTENCE SHALL INCLUDE A TERM OF

(Over)

EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION.”;

in line 3, strike “11-723.” and substitute “11-724.”; in line 5, strike “NEGOTIATE, ENTER INTO,” and substitute “ENTER INTO”; in line 7, strike “11-722” and substitute “11-723”; in line 8, strike “SUPERVISION;” and substitute “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;”;

in line 10, after “VIOLATIONS;” insert “AND”; in line 22, after “OTHER” insert “SPECIFIC”; in line 23, after “OBTAINING” insert “SPECIFIC”; in line 24, strike “AN” and substitute “A SPECIFIC”; in line 28, after “OR” insert “ABUSING”; in line 30, after “PAROLE” insert “AND PROBATION”; in line 31, after “REGISTRANT” insert “FOR COMPLIANCE WITH TERMS OF PAROLE OR SEXUAL OFFENDER TREATMENT”; in line 31, strike “AND”; in line 32, strike “REGULAR”; and in line 33, after “EXAMINATIONS” insert “; AND

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

On page 16, in line 16, strike “§ 7-205” and substitute “§§ 7-205 AND 7-206”; after line 21, insert:

“(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.”;

in line 22, strike “11-724.” and substitute “11-725.”; in line 30, after “PAROLE” insert “AND

PROBATION"; and in line 33, strike "A POLYGRAPHER" and substitute "A LAW ENFORCEMENT REPRESENTATIVE".

On page 17, in line 2, strike "AND"; in line 3, strike "LEADERS." and substitute "LEADERS;

(V) A POLYGRAPHER; AND

(VI) ANY OTHER PERSON DETERMINED BY THE DIVISION OF PAROLE AND PROBATION TO BE APPROPRIATE.";

in line 7, before "A" insert "TO THE EXTENT ALLOWED BY FEDERAL LAW."; and in line 10, after "STATE" insert "IS A TRANSIENT OR".

AMENDMENT NO. 13

On pages 17 and 18, strike in their entirety the lines beginning with line 11 on page 17 through line 1 on page 18, inclusive.

On page 18, in line 4, strike "BOARD," and substitute "BOARD ESTABLISHED UNDER § 1-401 OF THE PUBLIC SAFETY ARTICLE."; in line 5, strike "11-723" and substitute "11-724"; and strike in their entirety lines 6 through 10, inclusive, and substitute:

"Article - Public Safety

SUBTITLE 4. SEXUAL OFFENDER ADVISORY BOARD.

1-401.

(A) THERE IS A SEXUAL OFFENDER ADVISORY BOARD IN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(B) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:

(Over)

(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:

(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

(Over)

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;

(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.”.

AMENDMENT NO. 14

On page 18, in line 11, strike “3.” and substitute “4.”.