

(PRE-FILED)

By: The Speaker and Delegates Vallario, Brown, and ~~Hixson~~ Hixson, Petzold, Anderson, Aumann, Barkley, Bartlett, Barve, Bates, 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, McConkey, 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

Requested: November 15, 2005
 Introduced and read first time: January 11, 2006
 Assigned to: Judiciary

Committee Report: Favorable with amendments
 House action: Adopted with floor amendments
 Read second time: March 21, 2006

CHAPTER _____

1 AN ACT concerning

2 **Registered Sexual Offenders - Supervision, Notifications, and Penalties**

3 FOR the purpose of authorizing the Maryland Parole Commission to administer
 4 certain extended sexual offender parole supervision; prohibiting certain sexual
 5 acts involving children who are under a certain age; requiring a court to impose
 6 a certain sentence for certain offenses under certain circumstances; establishing
 7 certain penalties; prohibiting the Parole Commission from granting credit for
 8 time between release on parole and revocation of parole for certain sexual
 9 offenders under certain circumstances; providing that the jurisdiction of the
 10 District Court is concurrent with the jurisdiction of the circuit court in certain

1 criminal cases involving registration of certain offenders; establishing that the
2 initial registration of an individual relating to certain sexual offenses and
3 offenses involving children is a reportable offense for certain criminal records
4 purposes; establishing that all persons subject to certain registration
5 requirements must register in person every 3 months; requiring that certain
6 registrations include a photograph that shall be updated at least once each year;
7 repealing certain dates before which certain registrants are required to register;
8 increasing the term of registration of certain registrants; requiring a certain
9 supervising authority to obtain a DNA sample from a certain registrant under
10 certain circumstances; altering certain time periods for certain notification
11 requirements; requiring a local law enforcement unit to provide a certain notice
12 to a certain county superintendent and certain nonpublic schools of a change of
13 address of a certain sexual offender within a certain time period; requiring a
14 local law enforcement unit to provide a certain notice to a certain police
15 department of a certain change of address of a certain sexual offender within a
16 certain time period; requiring a certain police department to provide a certain
17 notice to a certain commander of a local police precinct or district within a
18 certain time period; requiring a local law enforcement unit to send a copy of a
19 certain notice to a certain commander of a local police precinct or district within
20 a certain time period; requiring authorizing a local law enforcement unit to send
21 a certain notice to certain organizations that serve children and other
22 individuals vulnerable to certain offenders within a certain time period;
23 requiring a local law enforcement unit to hold a certain meeting open to all
24 residents living in a certain geographic area within a certain time period;
25 requiring a State parole agent, a sexual offender treatment provider, and a
26 sexual offender victim advocate to attend a certain meeting and provide certain
27 information; requiring the Department of Public Safety and Correctional
28 Services to adopt certain regulations; authorizing a local law enforcement unit
29 to notify certain members of the public outside a certain geographical area of a
30 certain registration statement and notice of change of address of a certain
31 offender; requiring certain notification procedures to be used, as appropriate;
32 offenders; requiring the Department to reimburse a local law enforcement unit
33 for the costs of certain community notification; requiring certain registration
34 statements to include a certain description of the crime that is the basis for the
35 registration of a certain offender; requiring the Department, through a certain
36 Internet posting of current registrants, to allow the public to electronically
37 transmit certain information to the Department, to certain parole and probation
38 agents, and to local law enforcement; requiring the Department to make
39 available to allow certain members of the public public, by request, to receive
40 electronic mail notification of the release and registration information of certain
41 offenders; authorizing the Department or a local law enforcement unit to
42 provide certain information to a certain person under certain circumstances;
43 requiring the Department to adopt certain regulations; altering the
44 classification of the crime from a misdemeanor to a felony and increasing the
45 maximum penalties for a person convicted of knowingly failing to register as an
46 offender for certain crimes, knowingly failing to provide a certain written notice
47 to the Department, and knowingly providing false information of a material fact
48 on a certain registration statement; prohibiting certain registrants from

1 entering the real property of certain schools, day care homes, child care homes,
2 or child care institutions under certain circumstances; establishing certain
3 penalties; requiring a sentence for a certain category of sexual offender to
4 include a term ~~for~~ of extended sexual offender parole supervision; creating
5 certain exceptions; giving a certain judge discretion to impose a term of
6 extended sexual offender parole supervision for a certain category of sexual
7 offender; requiring that a term of extended sexual offender parole supervision
8 have a certain minimum and a possible certain maximum period and commence
9 at the expiration of a certain term; requiring a judge to state on the record at a
10 certain time that a certain defendant's sentence shall include a term of extended
11 sexual offender parole supervision; requiring that the Commission ~~negotiate,~~
12 ~~enter into,~~ enter into and sign certain extended sexual offender parole
13 supervision agreements that set out certain conditions and are based upon a
14 certain risk assessment and classification; requiring the Commission to hear
15 and adjudicate certain cases; authorizing the Commission to impose certain
16 sanctions on certain registrants; providing that imprisonment for a certain
17 violation is not subject to diminution credits; authorizing certain specific
18 conditions of extended sexual offender parole supervision agreements; requiring
19 the Commission to hear and adjudicate a certain petition ~~of~~ for discharge from
20 extended sexual offender parole supervision; authorizing a certain registrant to
21 petition for discharge after serving a certain period of extended supervision;
22 authorizing a registrant whose petition for discharge is denied to petition for
23 discharge again after a certain period; requiring a certain petition for discharge
24 to include a certain risk assessment of a registrant and a recommendation from
25 a certain sexual offender management team; prohibiting the Commission from
26 discharging a registrant from certain supervision unless the Commission
27 determines that the registrant no longer poses an unacceptable risk to
28 community safety; requiring the Commission to, by regulation, establish certain
29 notice and hearing procedures; providing that the Commission has certain
30 powers for the purpose of carrying out certain duties; requiring the Commission
31 to appoint a certain administrator; providing that participation in a certain
32 treatment program shall not prohibit a convicted individual from continuing to
33 maintain a certain innocence; requiring that a sexual offender parole
34 supervision be conducted by a sexual offender management team under the
35 supervision of the Division of Parole and Probation; requiring a sexual offender
36 management team to be ~~comprised~~ composed of a certain parole and probation
37 agent, sexual offender treatment provider, and ~~polygrapher~~ law enforcement
38 representative; authorizing a sexual offender management team to include
39 certain other persons; requiring a sexual offender management team to submit
40 certain progress reports on certain registrants at certain intervals; requiring a
41 sexual offender management team to provide a copy of a certain progress report
42 to a certain local law enforcement unit; requiring the Commission, with the
43 advice of a certain Board, to adopt certain regulations; establishing a Sexual
44 Offender Advisory Board; providing for the membership, appointment,
45 terms, staggering of terms, reimbursements, chairman, quorum and meeting
46 requirements, duties, and staffing of the Board; requiring certain units of
47 government to cooperate with the Board; ~~to assist the Commission and the~~
48 Division; providing for the composition and method of selection of the Board;

1 ~~establishing the terms of the members of the Board; requiring the Board to~~
2 ~~perform certain duties; requiring the Commission, with the advice of the Board,~~
3 ~~to adopt certain regulations; defining certain terms; defining certain terms;~~
4 ~~altering certain definitions; specifying the terms of the initial members of the~~
5 ~~Board; and generally relating to the supervision of, notification concerning, and~~
6 ~~penalties for sexual offenders.~~

7 BY repealing and reenacting, without amendments,
8 Article - Correctional Services
9 Section 7-205
10 Annotated Code of Maryland
11 (1999 Volume and 2005 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article - Correctional Services
14 Section 7-206 and 7-401(d)
15 Annotated Code of Maryland
16 (1999 Volume and 2005 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article - Criminal Law
19 Section 3-303 through 3-306 and 3-309 through 3-312
20 Annotated Code of Maryland
21 (2002 Volume and 2005 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - Courts and Judicial Proceedings
24 Section 4-301(b)(21) and (22) and 4-302(a) and (d)(1)
25 Annotated Code of Maryland
26 (2002 Replacement Volume and 2005 Supplement)

27 BY adding to
28 Article - Courts and Judicial Proceedings
29 Section 4-301(b)(23)
30 Annotated Code of Maryland
31 (2002 Replacement Volume and 2005 Supplement)

32 BY repealing and reenacting, with amendments,
33 Article - Criminal Procedure
34 Section 10-215(a), 11-701, 11-707, 11-708(b), 11-709, 11-713, 11-717, 11-718,
35 and 11-721
36 Annotated Code of Maryland
37 (2001 Volume and 2005 Supplement)

1 ~~BY repealing and reenacting, without amendments,~~
 2 ~~Article - Criminal Procedure~~
 3 ~~Section 11-707~~
 4 ~~Annotated Code of Maryland~~
 5 ~~(2001 Volume and 2005 Supplement)~~

6 BY adding to
 7 Article - Criminal Procedure
 8 Section 11-722 through 11-726
 9 Annotated Code of Maryland
 10 (2001 Volume and 2005 Supplement)

11 BY adding to
 12 Article - Public Safety
 13 Section 1-401 to be under the new subtitle "Subtitle 4. Sexual Offender
 14 Advisory Board"
 15 Annotated Code of Maryland
 16 (2003 Volume and 2005 Supplement)

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

19 **Article - Correctional Services**

20 7-205.

21 (a) The Commission has the exclusive power to:

22 (1) authorize the parole of an individual sentenced under the laws of the
 23 State to any correctional facility in the State;

24 (2) negotiate, enter into, and sign predetermined parole release
 25 agreements as provided under subsection (b) of this section;

26 (3) hear cases for parole in which:

27 (i) the Commissioner of Correction, after reviewing the
 28 recommendation of the appropriate managing official, objects to a parole;

29 (ii) the inmate was convicted of a homicide;

30 (iii) the inmate is serving a sentence of life imprisonment; or

31 (iv) the parole hearing is open to the public under § 7-304 of this
 32 title;

33 (4) hear exceptions to recommendations of a hearing examiner or a
 34 commissioner acting as a hearing examiner;

1 (5) review summarily all recommendations of a hearing examiner or a
2 commissioner acting as a hearing examiner to which an exception has not been filed;

3 (6) hear a case for parole in absentia when an individual who was
4 sentenced in this State to serve a term of imprisonment is in a correctional facility of
5 a jurisdiction other than this State;

6 (7) hear cases of parole revocation; and

7 (8) if delegated by the Governor, hear cases involving an alleged
8 violation of a conditional pardon.

9 (b) (1) (i) The Commission may negotiate, enter into, and sign a
10 predetermined parole release agreement with the Commissioner of Correction and an
11 inmate under the jurisdiction of the Commission.

12 (ii) The agreement may provide for the release of the inmate on
13 parole at a predetermined time if, during the inmate's term of confinement, the
14 inmate participates in the programs designated by the Commission and fulfills any
15 other conditions specified in the agreement.

16 (2) This subsection does not affect any diminution of an inmate's term of
17 confinement awarded under Title 3, Subtitle 7 and §§ 9-506 and 9-513 of this article.

18 (c) Each commissioner has visitorial powers over any correctional facility in
19 which an individual is confined on a criminal charge, whether the correctional facility
20 is operated by the State or by a county or municipal corporation of the State.

21 (d) As necessary to carry out its duties, the Commission may:

22 (1) issue subpoenas requiring the attendance and testimony of
23 witnesses;

24 (2) administer oaths; and

25 (3) examine witnesses under oath, including any inmate who is confined
26 in a correctional facility operated by the State or by a county or municipal corporation
27 of the State.

28 (e) (1) A person who is personally served with a subpoena and who fails to
29 appear or refuses to testify before the Commission is guilty of a misdemeanor and on
30 conviction is subject to a fine of not more than \$100.

31 (2) The fine imposed under paragraph (1) of this subsection shall be paid
32 into the General Fund of the State.

33 (f) A witness who makes a false statement relating to a matter that is
34 material to the Commission's inquiry while testifying before the Commission is guilty
35 of perjury and on conviction is subject to the penalty of § 9-101 of the Criminal Law
36 Article.

1 7-206.

2 The Commission shall:

3 (1) evaluate information on the activities of parolees that the Division of
4 Parole and Probation reports;

5 (2) issue warrants or delegate to the Director of the Division of Parole
6 and Probation the authority to issue warrants to retake parolees who are charged
7 with violating a condition of parole;

8 (3) review and make recommendations to the Governor:

9 (i) concerning parole of an inmate under a sentence of life
10 imprisonment; and

11 (ii) if requested by the Governor, concerning a pardon, commutation
12 of sentence, or other clemency;

13 (4) establish and modify general policy governing the conduct of
14 parolees; [and]

15 (5) arrange for psychiatric or psychological examination of applicants for
16 parole whenever the Commission believes that an examination will better enable it to
17 decide on the advisability of parole and include the expense for the examination in its
18 annual budget; AND

19 (6) ADMINISTER EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION
20 UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE.

21 7-401.

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

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

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

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

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

1 (I) THE INMATE WAS SERVING A SENTENCE FOR A VIOLATION OF
2 §§ 3-303 THROUGH 3-307, §§ 3-309 THROUGH 3-312, § 3-315, OR § 3-602 OF THE
3 CRIMINAL LAW ARTICLE WHEN PAROLE WAS REVOKED; AND

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

6 1. COMMITTED A VIOLENT CRIME WHILE ON PAROLE;

7 2. COMMITTED A VIOLATION OF § 3-307, § 3-308, § 3-315, §§
8 3-321 THROUGH 3-324, OR § 3-602 OF THE CRIMINAL LAW ARTICLE; OR

9 3. COMMITTED A VIOLATION OF § 11-721 OR § 11-722 OF THE
10 CRIMINAL PROCEDURE ARTICLE.

11 Article - Criminal Law

12 3-303.

13 (a) A person may not:

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

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

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

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

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

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

26 (b) A person may not violate subsection (a) of this section while also violating
27 § 3-503(a)(2) of this title involving a victim who is a child under the age of 16 years.

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

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

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

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

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

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

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

18 3-304.

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

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

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

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

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

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

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

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

3 3-305.

4 (a) A person may not:

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

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

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

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

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

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

17 (b) A person may not violate subsection (a) of this section while also violating
18 § 3-503(a)(2) of this title involving a victim who is a child under the age of 16 years.

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

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

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

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

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

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

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

7 3-306.

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

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

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

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

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

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

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

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

29 3-309.

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

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

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

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

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

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

11 3-310.

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

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

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

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

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

23 3-311.

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

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

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

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

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

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

5 3-312.

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

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

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

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

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

17 **Article - Courts and Judicial Proceedings**

18 4-301.

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

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

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

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

26 4-302.

27 (a) Except as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13),
28 (14), (15), (16), (17), (18), (19), (20), (21), [and] (22), AND (23) of this subtitle, the
29 District Court does not have jurisdiction to try a criminal case charging the
30 commission of a felony.

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

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

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

6 **Article - Criminal Procedure**

7 10-215.

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

- 10 (1) the issuance or withdrawal of an arrest warrant;
- 11 (2) an arrest;
- 12 (3) the release of a person after arrest without the filing of a charge;
- 13 (4) the filing of a charging document;
- 14 (5) a release pending trial or an appeal;
- 15 (6) a commitment to an institution of pretrial detention;
- 16 (7) the dismissal of an indictment or criminal information;
- 17 (8) a nolle prosequi;
- 18 (9) the marking of a charge "stet" on the docket;
- 19 (10) an acquittal, conviction, verdict of not criminally responsible, or any
 20 other disposition of a case at or following trial, including a finding of probation before
 21 judgment;
- 22 (11) the imposition of a sentence;
- 23 (12) a commitment to a State correctional facility or local correctional
 24 facility;
- 25 (13) a commitment to the Department of Health and Mental Hygiene
 26 under § 3-105 or § 3-111 of this article as incompetent to stand trial or not criminally
 27 responsible;
- 28 (14) a release from detention or confinement;
- 29 (15) a conditional release, revocation of conditional release, or discharge
 30 of a person committed to the Department of Health and Mental Hygiene under §
 31 3-105 or § 3-111 of this article as incompetent to stand trial or not criminally
 32 responsible;

1 (16) an escape from confinement or commitment;

2 (17) a pardon, reprieve, commutation of a sentence, or other change in a
3 sentence, including a change in a sentence that a court orders;

4 (18) an entry of an appeal to an appellate court;

5 (19) a judgment of an appellate court;

6 (20) an order of a court in a collateral proceeding that affects a person's
7 conviction, sentence, or confinement;

8 (21) an adjudication of a child as delinquent:

9 (i) if the child is at least 14 years old, for an act described in §
10 3-8A-03(d)(1) of the Courts Article; or

11 (ii) if the child is at least 16 years old, for an act described in §
12 3-8A-03(d)(4) or (5) of the Courts Article;

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

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

17 [(23)] (24) any other event arising out of or occurring during the course of
18 a criminal proceeding that the Secretary by regulation or the Court of Appeals by rule
19 makes a reportable event.

20 11-701.

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

22 (A-1) "BOARD" MEANS THE SEXUAL OFFENDER ADVISORY BOARD.

23 (b) "Child sexual offender" means a person who:

24 (1) has been convicted of violating § 3-602 of the Criminal Law Article;

25 (2) has been convicted of violating any of the provisions of ~~the rape or~~
26 ~~sexual offense statutes under §§ 3-303 through 3-307~~ §§ 3-307, §§ 3-309 THROUGH 3-312,
27 § 3-315, OR §§ 3-321 THROUGH 3-324 of the Criminal Law Article for a crime involving
28 a child under the age of 15 years;

29 (3) has been convicted of violating the fourth degree sexual offense
30 statute under § 3-308 of the Criminal Law Article for a crime involving a child under
31 the age of 15 years and has been ordered by the court to register under this subtitle;
32 or

1 (4) has been convicted in another state or in a federal, military, or Native
2 American tribal court of a crime that, if committed in this State, would constitute one
3 of the crimes listed in items (1) and (2) of this subsection.

4 (B-1) "COMMISSION" MEANS THE MARYLAND PAROLE COMMISSION.

5 [(b-1)] (B-2) "Employment" means an occupation, job, or vocation that is full
6 time or part time for a period exceeding 14 days or for an aggregate period exceeding
7 30 days during a calendar year, whether financially compensated, volunteered, or for
8 the purpose of government or educational benefit.

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

12 (d) "Offender" means a person who is ordered by a court to register under this
13 subtitle and who:

14 (1) has been convicted of violating § 3-503 of the Criminal Law Article;

15 (2) has been convicted of violating § 3-502 of the Criminal Law Article or
16 the fourth degree sexual offense statute under § 3-308 of the Criminal Law Article, if
17 the victim is under the age of 18 years;

18 (3) has been convicted of the common law crime of false imprisonment, if
19 the victim is under the age of 18 years and the person is not the victim's parent;

20 (4) has been convicted of a crime that involves soliciting a person under
21 the age of 18 years to engage in sexual conduct;

22 (5) has been convicted of violating the child pornography statute under §
23 11-207 of the Criminal Law Article;

24 (6) has been convicted of violating any of the prostitution and related
25 crimes statutes under Title 11, Subtitle 3 of the Criminal Law Article if the intended
26 prostitute or victim is under the age of 18 years;

27 (7) has been convicted of a crime that involves conduct that by its nature
28 is a sexual offense against a person under the age of 18 years;

29 (8) has been convicted of an attempt to commit a crime listed in items (1)
30 through (7) of this subsection; or

31 (9) has been convicted in another state or in a federal, military, or Native
32 American tribal court of a crime that, if committed in this State, would constitute one
33 of the crimes listed in items (1) through (8) of this subsection.

34 (e) (1) Except as otherwise provided in this subsection, "release" means any
35 type of release from the custody of a supervising authority.

36 (2) "Release" means:

- 1 (i) release on parole;
- 2 (ii) mandatory supervision release;
- 3 (iii) release from a correctional facility with no required period of
4 supervision;
- 5 (iv) work release;
- 6 (v) placement on home detention; and
- 7 (vi) the first instance of entry into the community that is part of a
8 supervising authority's graduated release program.

9 (3) "Release" does not include:

- 10 (i) an escape; or
- 11 (ii) leave that is granted on an emergency basis.

12 (f) "Sexually violent offender" means a person who:

- 13 (1) has been convicted of a sexually violent offense; or
- 14 (2) has been convicted of an attempt to commit a sexually violent offense.

15 (g) "Sexually violent offense" means:

16 (1) a violation of §§ 3-303 through 3-307 or §§ 3-309 through 3-312 of
17 the Criminal Law Article;

18 (2) assault with intent to commit rape in the first or second degree or a
19 sexual offense in the first or second degree as prohibited on or before September 30,
20 1996, under former Article 27, § 12 of the Code; or

21 (3) a crime committed in another state or in a federal, military, or Native
22 American tribal jurisdiction that, if committed in this State, would constitute one of
23 the crimes listed in item (1) or (2) of this subsection.

24 (h) "Sexually violent predator" means:

25 (1) a person who:

- 26 (i) is convicted of a sexually violent offense; and
- 27 (ii) has been determined in accordance with this subtitle to be at
28 risk of committing another sexually violent offense; or

29 (2) a person who is or was required to register every 90 days for life
30 under the laws of another state or a federal, military, or Native American tribal
31 jurisdiction.

1 (i) "Supervising authority" means:

2 (1) the Secretary, if the registrant is in the custody of a correctional
3 facility operated by the Department;

4 (2) the administrator of a local correctional facility, if the registrant,
5 including a participant in a home detention program, is in the custody of the local
6 correctional facility;

7 (3) the court that granted the probation or suspended sentence, except as
8 provided in item (12) of this subsection, if the registrant is granted probation before
9 judgment, probation after judgment, or a suspended sentence;

10 (4) the Director of the Patuxent Institution, if the registrant is in the
11 custody of the Patuxent Institution;

12 (5) the Secretary of Health and Mental Hygiene, if the registrant is in
13 the custody of a facility operated by the Department of Health and Mental Hygiene;

14 (6) the court in which the registrant was convicted, if the registrant's
15 sentence does not include a term of imprisonment or if the sentence is modified to
16 time served;

17 (7) the Secretary, if the registrant is in the State under terms and
18 conditions of the Interstate Compact for Adult Offender Supervision, set forth in Title
19 6, Subtitle 2 of the Correctional Services Article, or the Interstate Corrections
20 Compact, set forth in Title 8, Subtitle 6 of the Correctional Services Article;

21 (8) the Secretary, if the registrant moves to this State and was convicted
22 in another state of a crime that would require the registrant to register if the crime
23 was committed in this State;

24 (9) the Secretary, if the registrant moves to this State from another state
25 where the registrant was required to register;

26 (10) the Secretary, if the registrant is convicted in a federal, military, or
27 Native American tribal court and is not under supervision by another supervising
28 authority;

29 (11) the Secretary, if the registrant is not a resident of this State and has
30 been convicted in another state or by a federal, military, or Native American tribal
31 court; or

32 (12) the Director of Parole and Probation, if the registrant is under the
33 supervision of the Division of Parole and Probation.

34 (j) "Transient" means a nonresident registrant who enters a county of this
35 State with the intent to be in the State or is in the State for a period exceeding 14
36 days or for an aggregate period exceeding 30 days during a calendar year for a
37 purpose other than employment or to attend an educational institution.

1 11-707.

2 (a) (1) (i) A child sexual offender shall register ~~annually in person, on or~~
3 ~~before January 1, IN PERSON EVERY 3 MONTHS~~ with a local law enforcement unit for
4 the term provided under paragraph (4) of this subsection.

5 (ii) ~~Each registration shall include a new photograph.~~
6 REGISTRATION SHALL INCLUDE A PHOTOGRAPH THAT SHALL BE UPDATED AT LEAST
7 ONCE EACH YEAR.

8 (2) (I) An offender and a sexually violent offender shall register
9 ~~annually, on or before January 1, IN PERSON EVERY 3 MONTHS~~ with the Department
10 in accordance with § 11-711(a) of this subtitle and for the term provided under
11 paragraph (4) of this subsection.

12 (II) REGISTRATION SHALL INCLUDE A PHOTOGRAPH THAT SHALL
13 BE UPDATED AT LEAST ONCE EACH YEAR.

14 (3) (i) A sexually violent predator shall register in person every ~~90~~
15 ~~days 3 MONTHS, on or before January 1, April 1, July 1, and October 1,~~ in accordance
16 with § 11-711(b) of this subtitle and for the term provided under paragraph (4)(ii) of
17 this subsection.

18 (ii) Registration shall include a photograph that shall be updated at
19 least once each year.

20 (4) The term of registration is:

21 (i) ~~40~~ 20 years; or

22 (ii) life, if:

23 1. the registrant is a sexually violent predator;

24 2. the registrant has been convicted of a sexually violent
25 offense;

26 3. the registrant has been convicted of a violation of § 3-602
27 of the Criminal Law Article for commission of a sexual act involving penetration of a
28 child under the age of 12 years; or

29 4. the registrant has been convicted of a prior crime as a
30 child sexual offender, an offender, or a sexually violent offender.

31 (5) A registrant who is not a resident of the State shall register for the
32 appropriate time specified in this subsection or until the registrant's employment,
33 student enrollment, or transient status in the State ends.

34 (b) A term of registration described in this section shall be computed from:

35 (1) the last date of release;

- 1 (2) the date granted probation; or
- 2 (3) the date granted a suspended sentence.

3 11-708.

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

7 (2) FOR A REGISTRANT WHO HAS NOT SUBMITTED A DNA SAMPLE, AS
 8 DEFINED IN § 2-501 OF THE PUBLIC SAFETY ARTICLE, FOR INCLUSION IN THE
 9 STATEWIDE DNA DATABASE SYSTEM OF THE DEPARTMENT OF STATE POLICE CRIME
 10 LABORATORY, A SUPERVISING AUTHORITY SHALL:

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

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

15 11-709.

16 (a) Each year within 5 days after a child sexual offender completes the
 17 registration requirements of § 11-707(a) of this subtitle, a local law enforcement unit
 18 shall send notice of the child sexual offender's annual registration, including the
 19 photograph, to the Department.

20 (b) (1) As soon as possible but not later than ~~5~~ 10 working days after
 21 receiving a registration statement of a child sexual offender OR NOTICE OF A CHANGE
 22 OF ADDRESS OF A CHILD SEXUAL OFFENDER, a local law enforcement unit shall send
 23 written notice of the registration statement OR CHANGE OF ADDRESS to the county
 24 superintendent, as defined in § 1-101 of the Education Article, AND ALL NONPUBLIC
 25 PRIMARY AND SECONDARY SCHOOLS in the county where the child sexual offender is
 26 to reside or where a child sexual offender who is not a resident of the State is a
 27 transient or will work or attend school.

28 (2) As soon as possible but not later than ~~5~~ 10 working days after
 29 receiving notice from the local law enforcement unit under paragraph (1) of this
 30 subsection, the county superintendent shall send written notice of the registration
 31 statement to principals of the schools under the superintendent's supervision that the
 32 superintendent considers necessary to protect the students of a school from a child
 33 sexual offender.

34 (c) A local law enforcement unit that receives a notice from a supervising
 35 authority under this [section] SUBTITLE shall send a copy of the notice to the police
 36 department, if any, of a municipal corporation if the registrant:

- 37 (1) is to reside in the municipal corporation after release; [or]

1 (2) escapes from a facility but resided in the municipal corporation
2 before being committed to the custody of a supervising authority; OR

3 (3) IS TO CHANGE ADDRESSES TO ANOTHER PLACE OF RESIDENCE
4 WITHIN THE MUNICIPAL CORPORATION.

5 (D) AS SOON AS POSSIBLE BUT NOT LATER THAN ~~5~~ 10 DAYS AFTER RECEIVING
6 NOTICE FROM A LOCAL LAW ENFORCEMENT UNIT UNDER THIS SECTION, A POLICE
7 DEPARTMENT OF A MUNICIPAL CORPORATION SHALL SEND A COPY OF THE NOTICE
8 TO THE COMMANDER OF THE LOCAL POLICE PRECINCT OR DISTRICT IN WHICH THE
9 CHILD SEXUAL OFFENDER IS TO RESIDE OR WHERE A CHILD SEXUAL OFFENDER
10 WHO IS NOT A RESIDENT OF THE STATE IS A TRANSIENT OR WILL WORK OR ATTEND
11 SCHOOL.

12 (E) AS SOON AS POSSIBLE BUT NOT LATER THAN ~~5~~ 10 DAYS AFTER RECEIVING
13 A NOTICE FROM A SUPERVISING AUTHORITY UNDER THIS SUBTITLE, A LOCAL LAW
14 ENFORCEMENT UNIT SHALL SEND A COPY OF THE NOTICE TO THE COMMANDER OF
15 THE LAW ENFORCEMENT UNIT IN THE DISTRICT OR AREA IN WHICH THE CHILD
16 SEXUAL OFFENDER IS TO RESIDE OR WHERE A CHILD SEXUAL OFFENDER WHO IS
17 NOT A RESIDENT OF THE STATE IS A TRANSIENT OR WILL WORK OR ATTEND SCHOOL.

18 (F) ~~AS SOON AS POSSIBLE BUT NOT LATER THAN 5 10 DAYS AFTER RECEIVING~~
19 ~~A COPY OF A REGISTRATION STATEMENT OF A CHILD SEXUAL OFFENDER UNDER~~
20 ~~THIS SUBTITLE, OR NOTICE OF A CHANGE OF ADDRESS OF A REGISTERED CHILD~~
21 ~~SEXUAL OFFENDER, A LOCAL LAW ENFORCEMENT UNIT SHALL SEND WRITTEN~~
22 ~~NOTICE OF THE REGISTRATION STATEMENT TO~~ MAY NOTIFY THE FOLLOWING
23 ENTITIES THAT ARE LOCATED WITHIN THE AREA COMMUNITY IN WHICH ~~THE A~~
24 CHILD SEXUAL OFFENDER IS TO RESIDE OR WHERE A CHILD SEXUAL OFFENDER
25 WHO IS NOT A RESIDENT OF THE STATE IS A TRANSIENT OR WILL WORK OR ATTEND
26 SCHOOL OF THE FILING OF A REGISTRATION STATEMENT OR NOTICE OF CHANGE OF
27 ADDRESS BY THE CHILD SEXUAL OFFENDER:

28 (1) FAMILY DAY CARE HOMES OR CHILD CARE CENTERS REGISTERED OR
29 LICENSED UNDER TITLE 5, SUBTITLE 5 OF THE FAMILY LAW ARTICLE;

30 (2) CHILD RECREATION FACILITIES;

31 (3) FAITH INSTITUTIONS; AND

32 (4) OTHER ORGANIZATIONS THAT SERVE CHILDREN AND OTHER
33 INDIVIDUALS VULNERABLE TO CHILD SEXUAL OFFENDERS.

34 (G) ~~(1) WITHIN 10 DAYS AFTER RECEIVING UNDER THIS SUBTITLE A COPY~~
35 ~~OF A REGISTRATION STATEMENT OF A CHILD SEXUAL OFFENDER, OR NOTICE OF A~~
36 ~~CHANGE OF ADDRESS OF A REGISTERED CHILD SEXUAL OFFENDER, A LOCAL LAW~~
37 ~~ENFORCEMENT UNIT SHALL HOLD A MEETING OPEN TO ALL RESIDENTS LIVING IN~~
38 ~~THE GEOGRAPHIC AREA SURROUNDING THE PLACE IN WHICH A CHILD SEXUAL~~
39 ~~OFFENDER IS TO RESIDE OR WHERE A CHILD SEXUAL OFFENDER WHO IS NOT A~~
40 ~~RESIDENT OF THE STATE WILL WORK OR ATTEND SCHOOL.~~

1 (2) ~~THE PAROLE AGENT OF THE CHILD SEXUAL OFFENDER, A SEXUAL~~
2 ~~OFFENDER TREATMENT PROVIDER, AND A SEXUAL OFFENDER VICTIM ADVOCATE~~
3 ~~SHALL ATTEND A MEETING HELD UNDER PARAGRAPH (1) OF THIS SUBSECTION TO~~
4 ~~PROVIDE INFORMATION ABOUT THE CHILD SEXUAL OFFENDER AND GENERAL~~
5 ~~EDUCATIONAL INFORMATION ABOUT:~~

6 ~~(I) CHILD SEXUAL OFFENDING;~~

7 ~~(II) PROTECTING CHILDREN AGAINST SEXUAL OFFENDING; AND~~

8 ~~(III) ACTS AGAINST SEXUAL OFFENDERS THAT ARE PROHIBITED.~~

9 (3) ~~THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS~~
10 ~~SECTION REGARDING:~~

11 ~~(I) THE METHOD OF DETERMINING IN URBAN, SUBURBAN, AND~~
12 ~~RURAL AREAS THE GEOGRAPHIC AREA IN WHICH RESIDENTS ARE TO BE INCLUDED~~
13 ~~IN THE MEETING UNDER PARAGRAPH (1) OF THIS SUBSECTION;~~

14 ~~(II) THE METHOD OF CONDUCTING AND ADVERTISING THE~~
15 ~~COMMUNITY MEETING; AND~~

16 ~~(III) SPECIFIC INFORMATION ABOUT THE REGISTRANT TO BE~~
17 ~~PROVIDED TO THE COMMUNITY.~~

18 ~~(H) WITHIN 10 DAYS AFTER RECEIVING UNDER THIS SUBTITLE A COPY OF A~~
19 ~~REGISTRATION STATEMENT OF A CHILD SEXUAL OFFENDER OR NOTICE OF A~~
20 ~~CHANGE OF ADDRESS OF A CHILD SEXUAL OFFENDER, A LOCAL LAW ENFORCEMENT~~
21 ~~UNIT MAY NOTIFY MEMBERS OF THE PUBLIC WHO LIVE OUTSIDE THE GEOGRAPHIC~~
22 ~~AREA DEFINED IN SUBSECTION (G) OF THIS SECTION BUT WHO LIVE WITHIN THE~~
23 ~~MUNICIPAL CORPORATION OR OTHER LARGER AREA IN WHICH THE CHILD SEXUAL~~
24 ~~OFFENDER IS TO RESIDE OR WHERE THE CHILD SEXUAL OFFENDER WHO IS NOT A~~
25 ~~RESIDENT OF THE STATE WILL WORK OR ATTEND SCHOOL.~~

26 ~~(I) (I) PROCEDURES FOR NOTIFYING THE COMMUNITY UNDER~~
27 ~~SUBSECTION (G) AND SUBSECTION (H) OF THIS SECTION SHALL INCLUDE, AS~~
28 ~~APPROPRIATE:~~

29 ~~(I) MEDIA RELEASE THROUGH PUBLICATION IN LOCAL~~
30 ~~NEWSPAPERS OF GENERAL CIRCULATION;~~

31 ~~(II) NOTICE TO LOCAL TELEVISION STATIONS;~~

32 ~~(III) PUBLICATION IN SCHOOL AND COMMUNITY NEWSLETTERS;~~

33 ~~(IV) FLYERS OR HANDBILLS DISTRIBUTED BY MAIL; AND~~

34 ~~(V) FLYERS OR HANDBILLS DISTRIBUTED DOOR TO DOOR BY~~
35 ~~LOCAL LAW ENFORCEMENT UNITS.~~

1 ~~(2) THE DEPARTMENT SHALL ADOPT REGULATIONS REGARDING THE~~
 2 ~~FACTORS A LOCAL LAW ENFORCEMENT UNIT SHALL CONSIDER IN DETERMINING~~
 3 ~~THE SCOPE AND MANNER OF NOTIFICATION THAT SHALL BEST SERVE THE~~
 4 ~~INTERESTS OF JUSTICE AND COMMUNITY SAFETY, INCLUDING:~~

5 ~~(I) RESOURCES AVAILABLE TO THE LOCAL LAW ENFORCEMENT~~
 6 ~~UNIT; AND~~

7 ~~(II) INFORMATION REGARDING THE RISK TO COMMUNITY SAFETY~~
 8 ~~FROM A CHILD SEXUAL OFFENDER THAT IS AVAILABLE TO THE LOCAL LAW~~
 9 ~~ENFORCEMENT UNIT.~~

10 11-713.

11 The Department:

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

16 (2) shall keep a central registry of registrants;

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

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

22 11-717.

23 (a) (1) The Department shall make available to the public registration
 24 statements or information about registration statements.

25 (2) INFORMATION ABOUT REGISTRATION STATEMENTS SHALL
 26 INCLUDE, IN PLAIN LANGUAGE THAT CAN BE UNDERSTOOD WITHOUT SPECIAL
 27 KNOWLEDGE OF THE CRIMINAL LAWS OF THE STATE, A DESCRIPTION OF THE CRIME
 28 OF THE OFFENDER THAT IS THE BASIS FOR THE ~~REGISTRATION~~ REGISTRATION,
 29 EXCLUDING DETAIL THAT WOULD IDENTIFY THE VICTIM.

30 (b) The Department may post on the Internet a current listing of each
 31 registrant's name, crime, and other identifying information.

32 (C) THE DEPARTMENT, THROUGH AN INTERNET POSTING OF CURRENT
 33 REGISTRANTS, SHALL ALLOW THE PUBLIC TO ELECTRONICALLY TRANSMIT
 34 INFORMATION THE PUBLIC MAY HAVE ABOUT A REGISTRANT TO THE DEPARTMENT,
 35 A PAROLE AND PROBATION AGENT OF A REGISTRANT, AND THE LOCAL LAW
 36 ENFORCEMENT UNIT WHERE A REGISTRANT RESIDES OR WHERE A REGISTRANT

1 WHO IS NOT A RESIDENT OF THE STATE IS A TRANSIENT OR WILL WORK OR ATTEND
2 SCHOOL.

3 (D) THE DEPARTMENT SHALL ~~MAKE AVAILABLE TO ALLOW~~ MEMBERS OF THE
4 PUBLIC WHO LIVE IN THE COUNTY IN WHICH THE REGISTRANT IS TO RESIDE OR
5 WHERE THE REGISTRANT, IF NOT A RESIDENT OF THE STATE, IS A TRANSIENT OR
6 WILL WORK OR ATTEND SCHOOL THE OPTION OF RECEIVING SCHOOL, BY REQUEST,
7 TO RECEIVE ELECTRONIC MAIL NOTIFICATION OF THE RELEASE FROM
8 INCARCERATION OF A REGISTERED OFFENDER AND THE REGISTRATION
9 INFORMATION OF THE OFFENDER.

10 [(c)] (E) The Department shall establish regulations to carry out this section.

11 11-718.

12 (a) (1) If the Department or a local law enforcement unit finds that, to
13 protect the public from a specific registrant, it is necessary to give notice of a
14 registration statement OR A CHANGE OF ADDRESS OF THE REGISTRANT to a
15 particular person OR GROUP NOT OTHERWISE IDENTIFIED UNDER § 11-709 OF THIS
16 SUBTITLE, then the Department or a local law enforcement unit shall give notice of
17 the registration statement to that person.

18 (2) This notice is in addition to the notice required under § 11-709(b)(1)
19 of this subtitle.

20 (b) (1) The Department and local law enforcement units shall establish
21 procedures to carry out the notification requirements of this section, including the
22 circumstances under and manner in which notification shall be provided.

23 (2) ~~APPROPRIATE NOTIFICATION PROCEDURES INCLUDE THOSE~~
24 ~~IDENTIFIED IN § 11-709 OF THIS SUBTITLE IN ADDITION TO THE PROCEDURE~~
25 SPECIFIED IN § 11-709 OF THIS SUBTITLE. A LOCAL LAW ENFORCEMENT UNIT MAY
26 PROVIDE NOTIFICATION BY ANY OTHER METHOD IT CONSIDERS APPROPRIATE.

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

32 (c) A local law enforcement unit and the Department may not release the
33 identity of a victim of a crime that requires registration under this subtitle.

34 (d) A disclosure under this section does not limit or prohibit any other
35 disclosure allowed or required under law.

1 11-721.

2 (a) A registrant may not knowingly fail to register, knowingly fail to provide
3 the written notice required under § 11-705(d), (e), or (f) of this subtitle, or knowingly
4 provide false information of a material fact as required by this subtitle.

5 (b) A person who violates this section is guilty of a [misdemeanor] FELONY
6 and on conviction is subject to imprisonment not exceeding [3] 5 years or a fine not
7 exceeding [\$5,000] \$10,000 or both.

8 ~~(c) A person who violates this section is subject to § 5-106(b) of the Courts~~
9 ~~Article.~~

10 11-722.

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

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

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

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

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

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

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

29 (2) ON WHICH IS LOCATED:

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

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

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

1 ~~41-722. 11-723.~~

2 (A) ~~EXCEPT WHERE A TERM OF NATURAL LIFE WITHOUT THE POSSIBILITY OF~~
 3 ~~PAROLE IS IMPOSED, AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A~~
 4 SENTENCE FOR A DEFENDANT FOR A VIOLATION THAT REQUIRES THE DEFENDANT
 5 TO REGISTER AS A SEX OFFENDER FOR A TERM OF LIFE UNDER § 11-707 OF THIS
 6 SUBTITLE SHALL INCLUDE A TERM OF EXTENDED SEXUAL OFFENDER PAROLE
 7 SUPERVISION.

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

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

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

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

23 (III) ENGAGING IN VAGINAL INTERCOURSE WITH ANOTHER IF THE
 24 VICTIM IS 14 OR 15 YEARS OLD, AND THE PERSON PERFORMING THE ACT IS AT LEAST
 25 21 YEARS OLD.

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

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

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

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

34 ~~41-723. 11-724.~~

35 (A) THE MARYLAND PAROLE COMMISSION SHALL:

36 (1) ~~NEGOTIATE, ENTER INTO,~~ ENTER INTO AND SIGN EXTENDED SEXUAL
 37 OFFENDER PAROLE SUPERVISION AGREEMENTS WITH REGISTRANTS SENTENCED TO

1 SUPERVISION UNDER § ~~11-722~~ 11-723 OF THIS SUBTITLE THAT SET OUT SPECIFIC
2 CONDITIONS OF ~~SUPERVISION~~; SUPERVISION, WHICH SHALL:

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

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

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

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

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

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

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

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

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

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

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

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

32 (7) REQUIRING A REGISTRANT TO TAKE ~~REGULAR~~ POLYGRAPH
33 EXAMINATIONS; AND

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

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

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

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

9 (4) A PETITION FOR DISCHARGE SHALL INCLUDE:

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

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

15 (5) THE COMMISSION MAY NOT DISCHARGE A REGISTRANT FROM
16 EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION UNLESS THE COMMISSION
17 DETERMINES THAT THE PETITIONER NO LONGER POSES AN UNACCEPTABLE RISK TO
18 COMMUNITY SAFETY.

19 (E) THE COMMISSION SHALL HAVE ALL OF THE POWERS SET FORTH IN ~~§ 7-205~~
20 §§ 7-205 AND 7-206 OF THE CORRECTIONAL SERVICES ARTICLE FOR THE PURPOSE OF
21 CARRYING OUT THE DUTIES OF THE COMMISSION UNDER THIS SUBTITLE.

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

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

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

33 ~~11-724. 11-725.~~

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

1 (B) A SEXUAL OFFENDER MANAGEMENT TEAM:

2 (1) CONSISTS OF:

3 (I) A SPECIALLY-TRAINED PAROLE AND PROBATION AGENT;

4 (II) A REPRESENTATIVE OF A CERTIFIED SEX OFFENDER
5 TREATMENT PROVIDER; AND

6 (III) ~~A POLYGRAPHER~~ A LAW ENFORCEMENT REPRESENTATIVE;
7 AND

8 (2) MAY INCLUDE:

9 (I) VICTIM ADVOCATES;

10 (II) FAITH COUNSELORS;

11 (III) EMPLOYMENT COUNSELORS; ~~AND~~

12 (IV) COMMUNITY ~~LEADERS.~~ LEADERS;

13 (V) A POLYGRAPHER; AND

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

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

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

24 ~~44-725.~~

25 ~~(A) THERE IS A SEXUAL OFFENDER ADVISORY BOARD.~~

26 ~~(B) THE BOARD CONSISTS OF NO MORE THAN 12 MEMBERS REPRESENTING~~
27 ~~LAW ENFORCEMENT, CORRECTIONAL SERVICES, SEXUAL OFFENDER TREATMENT~~
28 ~~PROVIDERS, VICTIM ADVOCATES, AND POLYGRAPHERS.~~

29 ~~(C) (1) THE GOVERNOR, THE PRESIDENT OF THE SENATE, AND THE~~
30 ~~SPEAKER OF THE HOUSE OF DELEGATES SHALL EACH APPOINT ONE THIRD OF THE~~
31 ~~MEMBERSHIP OF THE BOARD.~~

32 ~~(2) THE TERM OF A MEMBER IS 4 YEARS.~~

1 (3) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE
2 TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2006.

3 (4) AT THE END OF A TERM A MEMBER CONTINUES TO SERVE UNTIL A
4 SUCCESSOR IS APPOINTED AND QUALIFIES.

5 (5) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
6 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
7 QUALIFIES.

8 (D) THE BOARD SHALL:

9 (1) DEVELOP STANDARDS FOR CONDITIONS OF EXTENDED SEXUAL
10 OFFENDER PAROLE SUPERVISION BASED ON CURRENT AND EVOLVING BEST
11 PRACTICES IN THE FIELD OF SEXUAL OFFENDER MANAGEMENT;

12 (2) DEVELOP STANDARDS FOR SEXUAL OFFENDER TREATMENT BASED
13 ON CURRENT AND EVOLVING BEST PRACTICES;

14 (3) CERTIFY STATE SEXUAL OFFENDER TREATMENT PROGRAMS THAT
15 ARE IN COMPLIANCE WITH STANDARDS; AND

16 (4) PROVIDE TRAINING FOR SEXUAL OFFENDER MANAGEMENT TEAMS.

17 11-726.

18 THE COMMISSION, WITH THE ADVICE OF THE SEXUAL OFFENDER ADVISORY
19 BOARD, BOARD ESTABLISHED UNDER § 1-401 OF THE PUBLIC SAFETY ARTICLE,
20 SHALL ADOPT REGULATIONS NECESSARY TO CARRY OUT THE DUTIES OF THE
21 COMMISSION UNDER § ~~1-723~~ 11-724 OF THIS SUBTITLE.

22 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
23 members of the Sexual Offender Advisory Board shall expire as follows:

24 (1) four members in 2008;

25 (2) four members in 2009; and

26 (3) four members in 2010.

27 Article - Public Safety

28 SUBTITLE 4. SEXUAL OFFENDER ADVISORY BOARD.

29 1-401.

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

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

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

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

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

7 (4) THE DIRECTOR OF THE DIVISION OF PAROLE AND PROBATION, OR
8 THE DIRECTOR'S DESIGNEE;

9 (5) THE CHAIRMAN OF THE MARYLAND PAROLE COMMISSION, OR THE
10 CHAIRMAN'S DESIGNEE;

11 (6) THE EXECUTIVE DIRECTOR OF THE MENTAL HYGIENE
12 ADMINISTRATION OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, OR THE
13 EXECUTIVE DIRECTOR'S DESIGNEE;

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

15 (8) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S DESIGNEE;
16 AND

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

18 (I) A REPRESENTATIVE FROM A VICTIM'S ADVOCACY GROUP;

19 (II) A HEALTH CARE PROFESSIONAL WITH EXPERTISE IN MENTAL
20 DISORDERS;

21 (III) A STATE'S ATTORNEY;

22 (IV) A LAWYER WITH EXPERTISE IN CRIMINAL DEFENSE;

23 (V) A SEXUAL OFFENDER TREATMENT PROVIDER;

24 (VI) A POLYGRAPHER;

25 (VII) A REPRESENTATIVE OF A LOCAL LAW ENFORCEMENT UNIT;
26 AND

27 (VIII) TWO CITIZEN MEMBERS.

28 (C) (1) THE TERM OF A MEMBER APPOINTED BY THE GOVERNOR IS 4 YEARS.

29 (2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS
30 REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1,
31 2006.

1 (3) AT THE END OF A TERM AN APPOINTED MEMBER CONTINUES TO
2 SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

3 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
4 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
5 QUALIFIES.

6 (5) A MEMBER WHOSE TERM HAS EXPIRED MAY BE REAPPOINTED TO
7 THE BOARD.

8 (D) A BOARD MEMBER:

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

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

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

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

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

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

20 (G) THE BOARD SHALL:

21 (1) REVIEW TECHNOLOGY FOR THE TRACKING OF OFFENDERS;

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

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

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

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

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

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

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

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

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

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

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

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
20 members of the Sexual Offender Advisory Board who are subject to appointment shall
21 expire as follows:

22 (1) One member of the public in 2007;

23 (2) The member of the victim's advocacy group in 2007;

24 (3) The health care professional with expertise in mental disorders in
25 2008;

26 (4) One member of the public in 2008;

27 (5) The sexual offender treatment provider in 2008;

28 (6) The lawyer with expertise in criminal defense in 2009;

29 (7) The State's Attorney in 2009; and

30 (8) The polygrapher in 2009.

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

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

4 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take
5 effect October 1, 2006.