
By: **The Speaker (By Request - Administration) and Delegates Aumann, Bartlett, Boschert, Boteler, Cluster, Cryor, Donoghue, Dwyer, Eckardt, Edwards, Elliott, Elmore, Frank, Gilleland, Glassman, Haddaway, Hogan, Impallaria, Jameson, Jennings, Kach, Kelly, Kohl, Krebs, Leopold, Mayer, McComas, McDonough, McKee, McMillan, Miller, Myers, O'Donnell, Parrott, Shank, Shewell, Smigiel, Sossi, Stocksdale, Stull, Taylor, Weir, Weldon, and Zirkin**

Introduced and read first time: January 25, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Sexual Offender Compliance and Enforcement in Maryland Act**

3 FOR the purpose of altering the time that a person convicted of certain sexual
4 offenses is on parole or mandatory supervision; requiring the Parole
5 Commission to make certain determinations and allowing the Commission to
6 order certain conditions of release for certain parolees and persons on
7 mandatory release; 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; prohibiting certain sexual acts involving
10 victims who are children under a certain age; requiring a court to impose a
11 certain sentence for certain offenses under certain circumstances; establishing
12 certain penalties; increasing the maximum length of probation that a court may
13 order for certain sexual offenses under certain circumstances; requiring a court
14 to make certain determinations and allowing the court to order certain
15 conditions of probation under certain circumstances; establishing that
16 registration of an individual relating to certain sexual offenses and offenses
17 involving children is a reportable offense for certain criminal records purposes;
18 altering and adding certain provisions relating to notices, procedures, locations,
19 time limits, reimbursements, and photographs relating to the registration of
20 certain sexual offenders with certain authorities; requiring a local law
21 enforcement unit to perform certain duties relating to a certain registration;
22 altering the duties of a certain supervising authority relating to a certain
23 registration; altering the term of registration for certain persons subject to
24 certain registration requirements; establishing that all persons subject to a
25 certain registration requirement must register annually at certain time periods;
26 requiring local law enforcement units to obtain from certain registrants DNA
27 samples under certain circumstances; prohibiting certain registrants from
28 entering the real property of certain schools, day care homes, child care homes,
29 or child care institutions under certain circumstances; establishing and altering

1 certain penalties; providing that the jurisdiction of the District Court is
2 concurrent with the jurisdiction of a circuit court in certain criminal cases
3 involving registration of certain offenders; establishing the Sexual Offender
4 Advisory Board; providing for the membership, appointment, terms, staggering
5 of terms, reimbursements, chairman, quorum and meeting requirements,
6 duties, and staffing of the Board; requiring certain units of government to
7 cooperate with the Board; adding and altering certain definitions; and generally
8 relating to sexual offenders.

9 BY renumbering

10 Article - Criminal Procedure
11 Section 11-701(e) through (h) and (i) through (j), respectively
12 to be Section 11-701(f) through (i) and (k) through (l), respectively
13 Annotated Code of Maryland
14 (2001 Volume and 2005 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article - Correctional Services
17 Section 7-308, 7-401(d), and 7-502(a) and (b)
18 Annotated Code of Maryland
19 (1999 Volume and 2005 Supplement)

20 BY adding to

21 Article - Correctional Services
22 Section 7-502(d)
23 Annotated Code of Maryland
24 (1999 Volume and 2005 Supplement)

25 BY repealing and reenacting, with amendments,

26 Article - Criminal Law
27 Section 3-303 and 3-305
28 Annotated Code of Maryland
29 (2002 Volume and 2005 Supplement)

30 BY repealing and reenacting, with amendments,

31 Article - Criminal Procedure
32 Section 6-222, 10-215(a), 11-701(b), 11-704(a), 11-705, 11-707, 11-708,
33 11-709, 11-712, 11-713, 11-715, and 11-721
34 Annotated Code of Maryland
35 (2001 Volume and 2005 Supplement)

36 BY adding to

37 Article - Criminal Procedure
38 Section 11-701(e) and (j) and 11-722

1 Annotated Code of Maryland
2 (2001 Volume and 2005 Supplement)

3 BY repealing

4 Article - Criminal Procedure
5 Section 11-711
6 Annotated Code of Maryland
7 (2001 Volume and 2005 Supplement)

8 BY repealing and reenacting, with amendments,

9 Article - Courts and Judicial Proceedings
10 Section 4-301(b)(21) and (22) and 4-302(a) and (d)(1)
11 Annotated Code of Maryland
12 (2002 Replacement Volume and 2005 Supplement)

13 BY adding to

14 Article - Courts and Judicial Proceedings
15 Section 4-301(b)(23)
16 Annotated Code of Maryland
17 (2002 Replacement Volume and 2005 Supplement)

18 BY adding to

19 Article - Public Safety
20 Section 1-401 to be under the new subtitle "Subtitle 4. Sexual Offender Advisory
21 Board"
22 Annotated Code of Maryland
23 (2003 Volume and 2005 Supplement)

24 BY repealing and reenacting, without amendments,

25 Article - Public Safety
26 Section 2-504(a)(1)
27 Annotated Code of Maryland
28 (2003 Volume and 2005 Supplement)

29 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
30 MARYLAND, That Section(s) 11-701(e) through (h) and (i) through (j), respectively, of
31 Article - Criminal Procedure of the Annotated Code of Maryland be renumbered to be
32 Section(s) 11-701(f) through (i) and (k) through (l), respectively.

33 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
34 read as follows:

Article - Correctional Services

1

2 7-308.

3 (a) A parole shall be evidenced by a written order.

4 (b) Parole entitles the recipient:

5 (1) to leave the correctional facility in which the recipient was confined;

6 and

7 (2) if the recipient satisfactorily complies with all the terms and
8 conditions provided in the parole order, to serve the remainder of the recipient's term
9 of confinement outside the confines of the correctional facility.10 (c) [A] EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A parolee
11 remains in legal custody until the expiration of the parolee's full, undiminished term.12 (D) A PAROLEE SENTENCED FOR A VIOLATION OF §§ 3-303 THROUGH 3-307, §§
13 3-309 THROUGH 3-312, § 3-315, OR § 3-602 OF THE CRIMINAL LAW ARTICLE
14 COMMITTED ON OR AFTER OCTOBER 1, 2006, SHALL REMAIN IN LEGAL CUSTODY FOR
15 THE LONGER OF:

16 (1) 20 YEARS; OR

17 (2) THE EXPIRATION OF THE INDIVIDUAL'S FULL, UNDIMINISHED TERM.

18 (E) FOR A PAROLEE SENTENCED FOR A VIOLATION OF §§ 3-303 THROUGH
19 3-307, §§ 3-309 THROUGH 3-312, § 3-315, OR § 3-602 OF THE CRIMINAL LAW ARTICLE,
20 AFTER CONSIDERATION OF A VICTIM IMPACT STATEMENT AND ANY STATEMENT
21 MADE BY A VICTIM TO THE COMMISSION, THE COMMISSION SHALL DETERMINE ON
22 THE RECORD WHETHER IT IS NECESSARY TO PROTECT THE VICTIM OR THE PUBLIC
23 BY ORDERING AS A CONDITION OF PAROLE:24 (1) SUPERVISION BY ELECTRONIC MONITORING, WHICH MAY INCLUDE
25 A DETERMINATION BY THE DIVISION OF PAROLE AND PROBATION THAT
26 MONITORING BY A GLOBAL POSITIONING SATELLITE SYSTEM OR OTHER SIMILAR
27 TECHNOLOGY IS REQUIRED;

28 (2) PERIODIC POLYGRAPH EXAMINATIONS; OR

29 (3) THAT THE PAROLEE NOT RESIDE OR WORK WITHIN 500 FEET OF THE
30 REAL PROPERTY ON WHICH A PUBLIC OR NONPUBLIC ELEMENTARY OR SECONDARY
31 SCHOOL IS LOCATED.32 [(d)] (F) The chairperson of the Commission shall file a copy of the parole
33 order with the clerk of the court in which the parolee was sentenced.

1 7-401.

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

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

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

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

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

15 (I) THE INMATE WAS SERVING A SENTENCE FOR A VIOLATION OF
16 §§ 3-303 THROUGH 3-307, §§ 3-309 THROUGH 3-312, § 3-315, OR § 3-602 OF THE
17 CRIMINAL LAW ARTICLE WHEN PAROLE WAS REVOKED; AND

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

20 1. COMMITTED A VIOLENT CRIME WHILE ON PAROLE;

21 2. COMMITTED A VIOLATION OF § 3-307, § 3-308, § 3-315, §§
22 3-321 THROUGH 3-324, OR § 3-602 OF THE CRIMINAL LAW ARTICLE; OR

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

25 7-502.

26 (a) (1) [An] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
27 AN individual on mandatory supervision remains in legal custody until the expiration
28 of the individual's full term.

29 (2) AN INDIVIDUAL ON MANDATORY SUPERVISION WHO WAS
30 SENTENCED FOR A VIOLATION OF §§ 3-303 THROUGH 3-307, §§ 3-309 THROUGH 3-312,
31 § 3-315, OR § 3-602 OF THE CRIMINAL LAW ARTICLE COMMITTED ON OR AFTER
32 OCTOBER 1, 2006, REMAINS IN LEGAL CUSTODY FOR THE LONGER OF:

33 (I) 20 YEARS; OR

34 (II) THE EXPIRATION OF THE INDIVIDUAL'S FULL TERM.

35 (b) An individual on mandatory supervision is subject to:

- 1 (1) all laws, rules, regulations, and conditions that apply to parolees; and
2 (2) any special conditions established by a commissioner.

3 (D) THE COMMISSION SHALL MAKE THE FINDINGS REQUIRED FOR PAROLEES
4 UNDER § 7-308(E) OF THIS SUBTITLE FOR AN INDIVIDUAL ON MANDATORY
5 SUPERVISION WHO WAS SENTENCED FOR A VIOLATION OF §§ 3-303 THROUGH 3-307,
6 §§ 3-309 THROUGH 3-312, § 3-315, OR § 3-602 OF THE CRIMINAL LAW ARTICLE.

7 **Article - Criminal Law**

8 3-303.

9 (a) A person may not:

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

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

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

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

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

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

22 (b) A person may not violate subsection (a) of this section while also violating
23 § 3-503(a)(2) of this title involving a victim who is a child under the age of 16 years.

24 (C) A PERSON MAY NOT VIOLATE SUBSECTION (A) OF THIS SECTION
25 INVOLVING A VICTIM WHO IS A CHILD UNDER THE AGE OF 16 YEARS.

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

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

33 (II) SUBJECT TO THE PROVISIONS OF § 6-222 OF THE CRIMINAL
34 PROCEDURE ARTICLE, IF A PERSON IS CONVICTED OF VIOLATING SUBSECTION (B) OF

1 THIS SECTION AND THE COURT DOES NOT IMPOSE A SENTENCE OF IMPRISONMENT
2 FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE, THE COURT SHALL IMPOSE A
3 SENTENCE OF IMPRISONMENT FOR LIFE.

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) SUBJECT TO THE PROVISIONS OF § 6-222 OF THE CRIMINAL
9 PROCEDURE ARTICLE, A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION
10 IS GUILTY OF THE FELONY OF RAPE IN THE FIRST DEGREE AND ON CONVICTION
11 SHALL BE SENTENCED TO IMPRISONMENT FOR LIFE.

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

16 3-305.

17 (a) A person may not:

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

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

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

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

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

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

30 (b) A person may not violate subsection (a) of this section while also violating
31 § 3-503(a)(2) of this title involving a victim who is a child under the age of 16 years.

32 (C) A PERSON MAY NOT VIOLATE SUBSECTION (A) OF THIS SECTION
33 INVOLVING A VICTIM WHO IS A CHILD UNDER THE AGE OF 16 YEARS.

34 [(c)] (D) (1) Except as provided in paragraphs (2) [and], (3), AND (4) of this
35 subsection, a person who violates subsection (a) of this section is guilty of the felony of

1 sexual offense in the first degree and on conviction is subject to imprisonment not
2 exceeding life.

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

6 (II) SUBJECT TO THE PROVISIONS OF § 6-222 OF THE CRIMINAL
7 PROCEDURE ARTICLE, IF A PERSON IS CONVICTED OF VIOLATING SUBSECTION (B) OF
8 THIS SECTION AND THE COURT DOES NOT IMPOSE A SENTENCE OF IMPRISONMENT
9 FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE, THE COURT SHALL IMPOSE A
10 SENTENCE OF IMPRISONMENT FOR LIFE.

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

15 (4) SUBJECT TO THE PROVISIONS OF § 6-222 OF THE CRIMINAL
16 PROCEDURE ARTICLE, A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION
17 IS GUILTY OF THE FELONY OF RAPE IN THE FIRST DEGREE AND ON CONVICTION
18 SHALL BE SENTENCED TO IMPRISONMENT FOR LIFE.

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

23 **Article - Criminal Procedure**

24 6-222.

25 (a) A circuit court or the District Court may:

26 (1) impose a sentence for a specified time and provide that a lesser time
27 be served in confinement;

28 (2) suspend the remainder of the sentence; and

29 (3) (i) order probation for a time longer than the sentence but, subject
30 to subsections (b) and (c) of this section, not longer than:

31 1. 5 years if the probation is ordered by a circuit court; or

32 2. 3 years if the probation is ordered by the District Court; or

33 (ii) if a defendant IS convicted of sexual abuse of a minor under §
34 3-602 of the Criminal Law Article or a crime involving a minor under [§ 3-303,] §
35 3-304, [§ 3-305,] § 3-306, [or] § 3-307, §§ 3-309 THROUGH 3-312, OR § 3-315 of the

1 10-215.

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

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

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

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

4 (i) if the child is at least 14 years old, for an act described in §
5 3-8A-03(d)(1) of the Courts Article; or

6 (ii) if the child is at least 16 years old, for an act described in §
7 3-8A-03(d)(4) or (5) of the Courts Article;

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

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

12 [(23)] (24) any other event arising out of or occurring during the course of
13 a criminal proceeding that the Secretary by regulation or the Court of Appeals by rule
14 makes a reportable event.

15 11-701.

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

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

18 (2) has been convicted of violating any of the provisions of [the rape or
19 sexual offense statutes under] §§ 3-303 through 3-307, §§ 3-309 THROUGH 3-312, §
20 3-315, OR §§ 3-321 THROUGH 3-324 of the Criminal Law Article for a crime involving a
21 child under the age of 15 years;

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

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

29 (E) "REGISTRANT" MEANS A PERSON WHO IS REQUIRED TO REGISTER UNDER
30 THIS SUBTITLE.

31 (J) "STATE REGISTRY" MEANS THE REGISTRY MAINTAINED BY THE
32 DEPARTMENT UNDER THIS SUBTITLE.

33 11-704.

34 (a) A person shall register with the [person's supervising authority] LOCAL
35 LAW ENFORCEMENT UNIT if the person is:

1 (1) a child sexual offender;

2 (2) an offender;

3 (3) a sexually violent offender;

4 (4) a sexually violent predator;

5 (5) a child sexual offender who, before moving into this State, was
6 required to register in another state or by a federal, military, or Native American
7 tribal court for a crime that occurred before October 1, 1995;

8 (6) an offender, sexually violent offender, or sexually violent predator
9 who, before moving into this State, was required to register in another state or by a
10 federal, military, or Native American tribal court for a crime that occurred before July
11 1, 1997; or

12 (7) a child sexual offender, offender, sexually violent offender, or sexually
13 violent predator who is required to register in another state, who is not a resident of
14 this State, and who enters this State:

15 (i) to carry on employment;

16 (ii) to attend a public or private educational institution, including a
17 secondary school, trade or professional institution, or institution of higher education,
18 as a full-time or part-time student; or

19 (iii) as a transient.

20 11-705.

21 (a) In this section, "resident" means a person who lives in this State when the
22 person:

23 (1) is released;

24 (2) is granted probation;

25 (3) is granted a suspended sentence; or

26 (4) receives a sentence that does not include a term of imprisonment.

27 (B) A SUPERVISING AUTHORITY SHALL:

28 (1) OBTAIN FROM A REGISTRANT THE INFORMATION REQUIRED UNDER
29 § 11-706 OF THIS SUBTITLE;

30 (2) NOTIFY THE REGISTRANT OF THE DUTY TO REGISTER WITHIN 5 DAYS
31 WITH THE LOCAL LAW ENFORCEMENT UNIT OF THE COUNTY WHERE THE
32 REGISTRANT WILL RESIDE, BE EMPLOYED, OR ATTEND SCHOOL, AS REQUIRED IN
33 SUBSECTION (D) OF THIS SECTION; AND

1 (3) SEND THE INFORMATION OBTAINED UNDER ITEM (1) OF THIS
2 SUBSECTION TO THE LOCAL LAW ENFORCEMENT UNIT OF THE COUNTY WHERE THE
3 REGISTRANT WILL RESIDE, ATTEND SCHOOL, OR WORK, AS APPROPRIATE.

4 [(b)] (C) A registrant shall register [with the supervising authority] IN
5 PERSON:

6 (1) if the registrant is a resident, [on or before] WITHIN 5 DAYS AFTER
7 the date that the registrant:

8 (i) is released;

9 (ii) is granted probation before judgment;

10 (iii) is granted probation after judgment;

11 (iv) is granted a suspended sentence; or

12 (v) receives a sentence that does not include a term of
13 imprisonment;

14 (2) if the registrant moves into the State, within [7] 5 days after the
15 earlier of the date that the registrant:

16 (i) establishes a temporary or permanent residence in the State; or

17 (ii) applies for a driver's license in the State; or

18 (3) if the registrant is not a resident, within 14 days after the registrant:

19 (i) begins employment in the State;

20 (ii) registers as a student in the State; or

21 (iii) enters the State as a transient.

22 (D) (1) A RESIDENT REGISTRANT SHALL REGISTER WITH THE LOCAL LAW
23 ENFORCEMENT UNIT OF THE COUNTY WHERE THE RESIDENT RESIDES.

24 (2) A REGISTRANT WHO MOVES INTO THE STATE OR WHO IS A
25 TRANSIENT SHALL REGISTER WITH THE LOCAL LAW ENFORCEMENT UNIT OF THE
26 COUNTY WHERE THE REGISTRANT WILL RESIDE.

27 (3) A REGISTRANT WHO DOES NOT RESIDE IN THE STATE AND WHO
28 ENTERS THE STATE TO ATTEND SCHOOL OR WORK SHALL REGISTER WITH THE
29 LOCAL LAW ENFORCEMENT UNIT OF THE COUNTY WHERE THE REGISTRANT:

30 (I) REGISTERS AS A STUDENT IN THE STATE; OR

31 (II) IS EMPLOYED IN THE STATE.

1 [(c) (1) A child sexual offender shall also register in person with the local law
2 enforcement unit of the county where the child sexual offender will reside:

3 (i) within 7 days after release, if the child sexual offender is a
4 resident; or

5 (ii) within 7 days after registering with the supervising authority, if
6 the registrant is moving into this State.

7 (2) Within 7 days after registering with the supervising authority, a child
8 sexual offender who is not a resident and has entered the State under § 11-704(a)(7)
9 of this subtitle shall also register in person with the local law enforcement unit of the
10 county where the child sexual offender is a transient or will work or attend school.]

11 [(3)] (E) A child sexual offender may be required to give to the local law
12 enforcement unit more information than required under § 11-706 of this subtitle.

13 [(d)] (F) (1) A registrant who changes residences shall send written notice of
14 the change to the [Department] STATE REGISTRY within [7] 5 days after the change
15 occurs.

16 (2) A REGISTRANT WHO CHANGES RESIDENCE SHALL REGISTER WITH
17 THE LOCAL LAW ENFORCEMENT UNIT WITHIN 5 DAYS OF THE CHANGE.

18 (3) IF A LOCAL LAW ENFORCEMENT UNIT REGISTERS A REGISTRANT
19 WHO HAS CHANGED RESIDENCES TO A DIFFERENT COUNTY, THE LOCAL LAW
20 ENFORCEMENT UNIT SHALL NOTIFY THE FORMER LOCAL LAW ENFORCEMENT UNIT
21 OF THE REGISTRANT'S CHANGE OF ADDRESS AND NEW REGISTRATION.

22 [(e)] (G) (1) A registrant who commences or terminates enrollment as a
23 full-time or part-time student at an institution of higher education in the State shall
24 send written notice to the [Department] STATE REGISTRY within [7] 5 days after the
25 commencement or termination of enrollment.

26 (2) A registrant who commences or terminates carrying on employment
27 at an institution of higher education in the State shall send written notice to the
28 [Department] STATE REGISTRY within [7] 5 days after the commencement or
29 termination of employment.

30 [(f)] (H) A registrant who is granted a legal change of name by a court shall
31 send written notice of the change to the [Department] STATE REGISTRY within [7] 5
32 days after the change is granted.

33 11-707.

34 (a) (1) [(i) A child sexual offender shall register annually in person, on or
35 before January 1,] A PERSON REQUIRED TO REGISTER UNDER THIS SUBTITLE SHALL
36 REGISTER IN PERSON with a local law enforcement unit for the term provided under
37 [paragraph (4) of this subsection] SUBSECTION (C) OF THIS SECTION.

1 [(ii)] (2) [Each registration] REGISTRATION shall include a [new]
2 photograph THAT SHALL BE UPDATED AT LEAST ONCE A YEAR.

3 (B) (1) (I) A SEXUALLY VIOLENT OFFENDER AND AN OFFENDER SHALL
4 REGISTER EVERY 6 MONTHS FROM THE DATE THE SEXUALLY VIOLENT OFFENDER
5 OR THE OFFENDER WAS ORIGINALLY REQUIRED TO REGISTER.

6 (II) A PERSON MAY REGISTER UP TO 30 DAYS BEFORE THE DATE ON
7 WHICH REGISTRATION IS REQUIRED UNDER SUBPARAGRAPH (I) OF THIS
8 PARAGRAPH.

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

12 (3) (i)] (I) A sexually violent predator AND A CHILD SEXUAL
13 OFFENDER shall register [in person every 90 days, on or before January 1, April 1,
14 July 1, and October 1, in accordance with § 11-711(b) of this subtitle and for the term
15 provided under paragraph (4)(ii) of this subsection] EVERY 3 MONTHS FROM THE
16 DATE THE SEXUALLY VIOLENT PREDATOR OR THE CHILD SEXUAL OFFENDER WAS
17 ORIGINALLY REQUIRED TO REGISTER.

18 (II) A PERSON MAY REGISTER UP TO 30 DAYS BEFORE THE DATE ON
19 WHICH REGISTRATION IS REQUIRED UNDER SUBPARAGRAPH (I) OF THIS
20 PARAGRAPH.

21 [(ii) Registration shall include a photograph that shall be updated at
22 least once each year.

23 (4) The term of registration is:

24 (i) 10 years; or

25 (ii) life, if:

26 1. the registrant is a sexually violent predator;

27 2. the registrant has been convicted of a sexually violent
28 offense;

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

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

34 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE
35 TERM OF REGISTRATION IS LIFE.

1 (2) FOR AN OFFENDER WHO HAS NO PRIOR CONVICTIONS FOR A CRIME
2 LISTED IN § 11-701(B), (D), OR (G) OF THIS SUBTITLE, OR SIMILAR LAW OF ANOTHER
3 STATE OR THE UNITED STATES, THE TERM OF REGISTRATION IS 20 YEARS.

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

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

- 8 (1) the last date of release;
9 (2) the date granted probation; or
10 (3) the date granted a suspended sentence.]

11 11-708.

12 (a) When a registrant registers, the [supervising authority] LOCAL LAW
13 ENFORCEMENT UNIT shall:

- 14 (1) give written notice to the registrant of the requirements of this
15 subtitle;
- 16 (2) explain the requirements of this subtitle to the registrant, including:
- 17 (i) the duties of a registrant when the registrant changes residence
18 address in this State;
- 19 (ii) the duties of a registrant under [§ 11-705(e) and (f)] § 11-705(F),
20 (G), AND (H) of this subtitle;
- 21 (iii) the requirement for a [child sexual offender] REGISTRANT to
22 register in person with the local law enforcement unit of the county where the [child
23 sexual offender] REGISTRANT will reside or where the [child sexual offender]
24 REGISTRANT who is not a resident of this State is a transient or will work or attend
25 school; [and]
- 26 (iv) the requirement that if the registrant changes residence
27 address, employment, or school enrollment to another state that has a registration
28 requirement, the registrant shall register with the designated law enforcement unit
29 of that state within 7 days after the change; and

30 (V) THE REQUIREMENTS OF § 11-722 OF THIS SUBTITLE
31 REGARDING PROHIBITIONS ON ENTERING ON THE REAL PROPERTY WHICH IS USED
32 FOR ELEMENTARY OR SECONDARY EDUCATION, A REGISTERED FAMILY DAY CARE
33 HOME, A LICENSED CHILD CARE HOME, OR A LICENSED CHILD CARE INSTITUTION;
34 AND

1 (3) obtain a statement signed by the registrant acknowledging that the
2 supervising authority explained the requirements of this subtitle and gave written
3 notice of the requirements to the registrant.

4 (b) (1) The [supervising authority] LOCAL LAW ENFORCEMENT UNIT shall
5 obtain a photograph and fingerprints of the registrant and attach the photograph and
6 fingerprints to the registration 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 LOCAL LAW ENFORCEMENT UNIT 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 (c) (1) [Within 5 days after obtaining a registration statement, the
16 supervising authority shall send a copy of the registration statement with the
17 attached fingerprints and photograph of the registrant to the local law enforcement
18 unit in the county where the registrant will reside or where a registrant who is not a
19 resident is a transient or will work or attend school.

20 (2) (i) If the registrant is enrolled in or carries on employment at, or is
21 expecting to enroll in or carry on employment at, an institution of higher education in
22 the State, within 5 days after obtaining a registration statement, the [supervising
23 authority] LOCAL LAW ENFORCEMENT UNIT shall send a copy of the registration
24 statement with the attached fingerprints and photograph of the registrant to the
25 campus police agency of the institution of higher education.

26 [(ii)] (2) If an institution of higher education does not have a
27 campus police agency AND THE LOCAL LAW ENFORCEMENT UNIT DOES NOT HAVE
28 PRIMARY JURISDICTION FOR THE CAMPUS, the copy of the registration statement
29 with the attached fingerprints and photograph of the registrant shall be provided to
30 the local law enforcement agency having primary jurisdiction for the campus.

31 (d) As soon as possible but not later than 5 working days after the registration
32 is complete, a [supervising authority that is not a unit of the Department] LOCAL
33 LAW ENFORCEMENT UNIT shall send the registration statement to the [Department]
34 STATE REGISTRY.

35 11-709.

36 (a) [Each year within] WITHIN 5 days after a [child sexual offender]
37 REGISTRANT completes the registration requirements of [§ 11-707(a)] § 11-707 of this
38 subtitle, a local law enforcement unit shall send notice of the [child sexual offender's]
39 REGISTRANT'S annual registration, including the photograph, to the [Department]
40 STATE REGISTRY.

1 (b) (1) As soon as possible but not later than 5 working days after receiving
2 a registration statement of a child sexual offender, a local law enforcement unit shall
3 send written notice of the registration statement to the county superintendent, as
4 defined in § 1-101 of the Education Article, in the county where the child sexual
5 offender is to reside or where a child sexual offender who is not a resident of the State
6 is a transient or will work or attend school.

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

13 (c) A local law enforcement unit that [receives a notice from a supervising
14 authority under this section] REGISTERS A REGISTRANT shall send a copy of the
15 notice to the police department, if any, of a municipal corporation if [the registrant]:

16 (1) THE REGISTRANT is to reside in the municipal corporation [after
17 release]; or

18 (2) [escapes] THE LOCAL LAW ENFORCEMENT UNIT IS NOTIFIED THAT
19 THE REGISTRANT HAS ESCAPED from a facility but resided in the municipal
20 corporation before being committed to the custody of a supervising authority.

21 [11-711.

22 (a) (1) The Department shall mail annually a verification form to the last
23 reported address of each offender and sexually violent offender.

24 (2) The verification form may not be forwarded.

25 (3) Within 10 days after receiving the verification form, the offender or
26 sexually violent offender shall sign the verification form and mail it to the
27 Department.

28 (b) (1) A local law enforcement unit shall mail a verification form every 90
29 days to the last reported address of a sexually violent predator.

30 (2) The verification form may not be forwarded.

31 (3) Within 10 days after receiving the verification form, the sexually
32 violent predator shall sign the form and mail it to the local law enforcement unit.

33 (4) Within 5 days after receiving a verification form from a sexually
34 violent predator, a local law enforcement unit shall send a copy of the verification
35 form to the Department.]

1 11-712.

2 (a) If a registrant escapes from a facility, the supervising authority of the
3 facility by the most reasonable and expedient means available shall immediately
4 notify:

5 (1) the local law enforcement unit in the jurisdiction where the
6 registrant resided before the registrant was committed to the custody of the
7 supervising authority; and

8 (2) each person who is entitled to receive notice under § 11-715(a) of this
9 subtitle.

10 (b) If the registrant is recaptured, the supervising authority shall send notice,
11 as soon as possible but not later than 2 working days after the supervising authority
12 learns of the recapture, to:

13 (1) the local law enforcement unit in the jurisdiction where the
14 registrant resided before the registrant was committed to the custody of the
15 supervising authority; and

16 (2) each person who is entitled to receive notice under § 11-715(a) of this
17 subtitle.

18 (C) A SUPERVISING AUTHORITY SHALL SEND THE NOTICE REQUIRED UNDER
19 SUBSECTION (A)(2) OR (B)(2) OF THIS SECTION TO THE LAST ADDRESS GIVEN TO THE
20 STATE REGISTRY.

21 11-713.

22 The Department:

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

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

28 (3) shall reimburse [supervising authorities] LOCAL LAW
29 ENFORCEMENT UNITS for the cost of processing the registration statements of
30 registrants, including the cost of taking fingerprints and photographs.

31 11-715.

32 (a) (1) On request for a copy of a registration statement about a specific
33 person, the [supervising authority] STATE REGISTRY shall send a copy to:

34 (i) each witness who testified against the registrant in a court
35 proceeding involving the crime; and

1 (ii) each person specified in writing by the State's Attorney.

2 (2) Subject to paragraph (3) of this subsection, the [supervising
3 authority] STATE REGISTRY shall send a copy of a registration statement to each:

4 (i) victim of the crime for which the registrant was convicted; or

5 (ii) if the victim is a minor, the parents or legal guardian of the
6 victim.

7 (3) A copy of the registration statement shall be sent if:

8 (i) a request is made in writing about a specific registrant; or

9 (ii) a notification request form has been filed under § 11-104 of this
10 title.

11 (b) Information about a person who receives a copy of a registration statement
12 under this section is confidential and may not be disclosed to the registrant or any
13 other person.

14 (c) [A supervising authority] THE STATE REGISTRY shall send a notice
15 required under subsection (a)(2) of this section [or § 11-712(a)(2) or (b)(2) of this
16 subtitle] to the last address given to the [supervising authority] STATE REGISTRY.

17 11-721.

18 (a) A registrant may not knowingly fail to register, knowingly fail to provide
19 the written notice required under [§ 11-705(d), (e), or (f)] § 11-705(F), (G), OR (H) of this
20 subtitle, or knowingly provide false information of a material fact as required by this
21 subtitle.

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

25 [(c) A person who violates this section is subject to § 5-106(b) of the Courts
26 Article.]

27 11-722.

28 (A) IN THIS SECTION, "ELEMENTARY OR SECONDARY EDUCATION" HAS THE
29 MEANING STATED IN § 1-101 OF THE EDUCATION ARTICLE.

30 (B) THIS SUBSECTION DOES NOT APPLY TO A REGISTRANT WHO ENTERS REAL
31 PROPERTY:

32 (1) WHERE THE REGISTRANT IS A STUDENT OR THE REGISTRANT'S
33 CHILD IS A STUDENT OR RECEIVES CHILD CARE, UNLESS THE REGISTRANT HAS
34 BEEN GIVEN PROPER NOTICE NOT TO ENTER THE REAL PROPERTY;

1 (2) WITH THE SPECIFIC WRITTEN PERMISSION OF:

2 (I) THE SUPERINTENDENT OF SCHOOLS, THE LOCAL SCHOOL
3 BOARD, OR THE PRINCIPAL OF THE SCHOOL; OR

4 (II) THE OWNER OR OPERATOR OF THE REGISTERED FAMILY DAY
5 CARE HOME, LICENSED CHILD CARE HOME, OR LICENSED CHILD CARE INSTITUTION;
6 OR

7 (3) FOR THE PURPOSE OF VOTING AT A SCHOOL ON AN ELECTION DAY IN
8 THE STATE, IF THE REGISTRANT IS PROPERLY REGISTERED TO VOTE AND WHOSE
9 POLLING PLACE IS AT THE SCHOOL.

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

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

13 (2) ON WHICH IS LOCATED:

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

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

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

21 **Article - Courts and Judicial Proceedings**

22 4-301.

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

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

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

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

30 4-302.

31 (a) Except as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13),
32 (14), (15), (16), (17), (18), (19), (20), (21), [and] (22), AND (23) of this subtitle, the
33 District Court does not have jurisdiction to try a criminal case charging the
34 commission of a felony.

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

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

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

9 **Article - Public Safety**

10 **SUBTITLE 4. SEXUAL OFFENDER ADVISORY BOARD.**

11 1-401.

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

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

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

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

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

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

23 (5) THE CHAIRMAN OF THE MARYLAND PAROLE COMMISSION, OR THE
24 CHAIRMAN'S DESIGNEE;

25 (6) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE
26 SECRETARY'S DESIGNEE;

27 (7) THE EXECUTIVE DIRECTOR OF THE MENTAL HYGIENE
28 ADMINISTRATION OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, OR THE
29 EXECUTIVE DIRECTOR'S DESIGNEE;

30 (8) THE SECRETARY OF STATE POLICE, OR THE SECRETARY'S DESIGNEE;
31 AND

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

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

1 (II) A HEALTH CARE PROFESSIONAL WITH EXPERTISE IN MENTAL
2 DISORDERS;

3 (III) A STATE'S ATTORNEY;

4 (IV) A LAWYER WITH EXPERTISE IN CRIMINAL DEFENSE; AND

5 (V) TWO CITIZEN MEMBERS.

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

7 (2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS
8 REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1,
9 2006.

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

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

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

17 (D) A BOARD MEMBER:

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

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

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

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

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

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

28 (G) THE BOARD SHALL:

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

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

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

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

6 (5) REVIEW DEVELOPMENTS IN THE TREATMENT AND ASSESSMENT OF
7 SEXUAL OFFENDERS.

8 (H) ON OR BEFORE DECEMBER 31, 2008, AND EVERY YEAR THEREAFTER THE
9 BOARD SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR
10 AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE
11 GENERAL ASSEMBLY.

12 (I) EACH UNIT OF STATE AND LOCAL GOVERNMENT SHALL COOPERATE WITH
13 THE BOARD.

14 (J) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
15 AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL PROVIDE STAFF
16 TO THE BOARD.

17 2-504.

18 (a) (1) In accordance with regulations adopted under this subtitle, an
19 individual who is convicted of a felony or a violation of § 6-205 or § 6-206 of the
20 Criminal Law Article shall:

21 (i) have a DNA sample collected either at the time of sentence or on
22 intake to a correctional facility, if the individual is sentenced to a term of
23 imprisonment; or

24 (ii) provide a DNA sample as a condition of sentence or probation, if
25 the individual is not sentenced to a term of imprisonment.

26 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial
27 members of the Sexual Offender Advisory Board who are subject to appointment shall
28 expire as follows:

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

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

31 (3) The health care professional with expertise in mental disorders in
32 2008;

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

34 (5) The lawyer with expertise in criminal defense in 2009; and

35 (6) The State's Attorney in 2009.

1 SECTION 4. AND BE IT FURTHER ENACTED, That, if a registrant who was
2 required to register before October 1, 2006, has not submitted a DNA sample, as
3 defined in § 2-501 of the Public Safety Article, for inclusion in the statewide DNA
4 database system of the Department of State Police Crime Laboratory, a local law
5 enforcement unit at the next registration of the registrant shall:

6 (1) Obtain a DNA sample from the registrant; and

7 (2) Provide the sample to the statewide DNA database system of the
8 Department of State Police Crime Laboratory.

9 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2006.