

(PRE-FILED)

By: **Senators Miller, DeGrange, Dyson, Garagiola, Jimeno, Klausmeier, and Stone**

Requested: November 15, 2005

Introduced and read first time: January 11, 2006

Assigned to: Judicial Proceedings

A BILL ENTITLED

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; requiring a local law
5 enforcement unit to provide a certain notice to a certain county superintendent
6 of a change of address of a certain sexual offender within a certain time period;
7 requiring a local law enforcement unit to provide a certain notice to a certain
8 police department of a certain change of address of a certain sexual offender
9 within a certain time period; requiring a certain police department to provide a
10 certain notice to a certain commander of a local police precinct or district within
11 a certain time period; requiring a local law enforcement unit to send a copy of a
12 certain notice to a certain commander of a local police precinct or district within
13 a certain time period; requiring a local law enforcement unit to send a certain
14 notice to certain organizations that serve children and other individuals
15 vulnerable to certain offenders within a certain time period; requiring a local
16 law enforcement unit to hold a certain meeting open to all residents living in a
17 certain geographic area within a certain time period; requiring a State parole
18 agent, a sexual offender treatment provider, and a sexual offender victim
19 advocate to attend a certain meeting and provide certain information; requiring
20 the Department of Public Safety and Correctional Services to adopt certain
21 regulations; authorizing a local law enforcement unit to notify certain members
22 of the public outside a certain geographical area of a certain registration
23 statement and notice of change of address of a certain offender; requiring certain
24 notification procedures to be used, as appropriate; requiring the Department to
25 reimburse a local law enforcement unit for the costs of certain community
26 notification; requiring certain registration statements to include a certain
27 description of the crime that is the basis for the registration of a certain
28 offender; requiring the Department, through a certain Internet posting of
29 current registrants, to allow the public to electronically transmit certain
30 information to the Department, to certain parole agents, and to local law
31 enforcement; requiring the Department to make available to certain members of
32 the public electronic mail notification of the release and registration information
33 of certain offenders; authorizing the Department or a local law enforcement unit

1 to provide certain information to a certain person under certain circumstances;
2 altering the classification of the crime from a misdemeanor to a felony and
3 increasing the maximum penalties for a person convicted of knowingly failing to
4 register as an offender for certain crimes, knowingly failing to provide a certain
5 written notice to the Department, and knowingly providing false information of
6 a material fact on a certain registration statement; requiring a sentence for a
7 certain category of sexual offender to include a term for extended sexual
8 offender parole supervision; requiring that a term of extended sexual offender
9 parole supervision have a certain minimum and a possible certain maximum
10 period and commence at the expiration of a certain term; requiring that the
11 Commission negotiate, enter into, and sign certain extended sexual offender
12 parole supervision agreements that set out certain conditions; requiring the
13 Commission to hear and adjudicate certain cases; authorizing the Commission
14 to impose certain sanctions on certain registrants; providing that imprisonment
15 for a certain violation is not subject to diminution credits; authorizing certain
16 specific conditions of extended sexual offender parole supervision agreements;
17 requiring the Commission to hear and adjudicate a certain petition of discharge
18 from extended sexual offender parole supervision; authorizing a certain
19 registrant to petition for discharge after serving a certain period of extended
20 supervision; authorizing a registrant whose petition for discharge is denied to
21 petition for discharge again after a certain period; requiring a certain petition
22 for discharge to include a certain risk assessment of a registrant and a
23 recommendation from a certain sexual offender management team; prohibiting
24 the Commission from discharging a registrant from certain supervision unless
25 the Commission determines that the registrant no longer poses an unacceptable
26 risk to community safety; providing that the Commission has certain powers for
27 the purpose of carrying out certain duties; requiring the Commission to appoint
28 a certain administrator; requiring that a sexual offender parole supervision be
29 conducted by a sexual offender management team under the supervision of the
30 Division of Parole and Probation; requiring a sexual offender management team
31 to be comprised of a certain parole agent, sexual offender treatment provider,
32 and polygrapher; authorizing a sexual offender management team to include
33 certain other persons; requiring a sexual offender management team to submit
34 certain progress reports on certain registrants at certain intervals; requiring a
35 sexual offender management team to provide a copy of a certain progress report
36 to a certain local law enforcement unit; establishing a Sexual Offender Advisory
37 Board to assist the Commission and the Division; providing for the composition
38 and method of selection of the Board; establishing the terms of the members of
39 the Board; requiring the Board to perform certain duties; requiring the
40 Commission, with the advice of the Board, to adopt certain regulations; defining
41 certain terms; specifying the terms of the initial members of the Board; and
42 generally relating to the supervision of, notification concerning, and penalties
43 for sexual offenders.

44 BY repealing and reenacting, without amendments,
45 Article - Correctional Services
46 Section 7-205
47 Annotated Code of Maryland

1 (1999 Volume and 2005 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article - Correctional Services

4 Section 7-206

5 Annotated Code of Maryland

6 (1999 Volume and 2005 Supplement)

7 BY repealing and reenacting, with amendments,

8 Article - Criminal Procedure

9 Section 11-701, 11-709, 11-713, 11-717, 11-718, and 11-721

10 Annotated Code of Maryland

11 (2001 Volume and 2005 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article - Criminal Procedure

14 Section 11-707

15 Annotated Code of Maryland

16 (2001 Volume and 2005 Supplement)

17 BY adding to

18 Article - Criminal Procedure

19 Section 11-722 through 11-726

20 Annotated Code of Maryland

21 (2001 Volume and 2005 Supplement)

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

24 **Article - Correctional Services**

25 7-205.

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

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

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

31 (3) hear cases for parole in which:

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

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

- 1 (iii) the inmate is serving a sentence of life imprisonment; or
- 2 (iv) the parole hearing is open to the public under § 7-304 of this
3 title;
- 4 (4) hear exceptions to recommendations of a hearing examiner or a
5 commissioner acting as a hearing examiner;
- 6 (5) review summarily all recommendations of a hearing examiner or a
7 commissioner acting as a hearing examiner to which an exception has not been filed;
- 8 (6) hear a case for parole in absentia when an individual who was
9 sentenced in this State to serve a term of imprisonment is in a correctional facility of
10 a jurisdiction other than this State;
- 11 (7) hear cases of parole revocation; and
- 12 (8) if delegated by the Governor, hear cases involving an alleged
13 violation of a conditional pardon.
- 14 (b) (1) (i) The Commission may negotiate, enter into, and sign a
15 predetermined parole release agreement with the Commissioner of Correction and an
16 inmate under the jurisdiction of the Commission.
- 17 (ii) The agreement may provide for the release of the inmate on
18 parole at a predetermined time if, during the inmate's term of confinement, the
19 inmate participates in the programs designated by the Commission and fulfills any
20 other conditions specified in the agreement.
- 21 (2) This subsection does not affect any diminution of an inmate's term of
22 confinement awarded under Title 3, Subtitle 7 and §§ 9-506 and 9-513 of this article.
- 23 (c) Each commissioner has visitorial powers over any correctional facility in
24 which an individual is confined on a criminal charge, whether the correctional facility
25 is operated by the State or by a county or municipal corporation of the State.
- 26 (d) As necessary to carry out its duties, the Commission may:
- 27 (1) issue subpoenas requiring the attendance and testimony of
28 witnesses;
- 29 (2) administer oaths; and
- 30 (3) examine witnesses under oath, including any inmate who is confined
31 in a correctional facility operated by the State or by a county or municipal corporation
32 of the State.
- 33 (e) (1) A person who is personally served with a subpoena and who fails to
34 appear or refuses to testify before the Commission is guilty of a misdemeanor and on
35 conviction is subject to a fine of not more than \$100.

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

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

7 7-206.

8 The Commission shall:

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

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

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

15 (i) concerning parole of an inmate under a sentence of life
16 imprisonment; and

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

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

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

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

27 **Article - Criminal Procedure**

28 11-701.

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

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

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

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

1 (2) has been convicted of violating any of the provisions of the rape or
2 sexual offense statutes under §§ 3-303 through 3-307 of the Criminal Law Article for
3 a crime involving a child under the age of 15 years;

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

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

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

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

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

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

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

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

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

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

29 (5) has been convicted of violating the child pornography statute under §
30 11-207 of the Criminal Law Article;

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

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

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

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

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

8 (2) "Release" means:

9 (i) release on parole;

10 (ii) mandatory supervision release;

11 (iii) release from a correctional facility with no required period of
12 supervision;

13 (iv) work release;

14 (v) placement on home detention; and

15 (vi) the first instance of entry into the community that is part of a
16 supervising authority's graduated release program.

17 (3) "Release" does not include:

18 (i) an escape; or

19 (ii) leave that is granted on an emergency basis.

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

21 (1) has been convicted of a sexually violent offense; or

22 (2) has been convicted of an attempt to commit a sexually violent offense.

23 (g) "Sexually violent offense" means:

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

26 (2) assault with intent to commit rape in the first or second degree or a
27 sexual offense in the first or second degree as prohibited on or before September 30,
28 1996, under former Article 27, § 12 of the Code; or

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

- 1 (h) "Sexually violent predator" means:
- 2 (1) a person who:
- 3 (i) is convicted of a sexually violent offense; and
- 4 (ii) has been determined in accordance with this subtitle to be at
- 5 risk of committing another sexually violent offense; or
- 6 (2) a person who is or was required to register every 90 days for life
- 7 under the laws of another state or a federal, military, or Native American tribal
- 8 jurisdiction.
- 9 (i) "Supervising authority" means:
- 10 (1) the Secretary, if the registrant is in the custody of a correctional
- 11 facility operated by the Department;
- 12 (2) the administrator of a local correctional facility, if the registrant,
- 13 including a participant in a home detention program, is in the custody of the local
- 14 correctional facility;
- 15 (3) the court that granted the probation or suspended sentence, except as
- 16 provided in item (12) of this subsection, if the registrant is granted probation before
- 17 judgment, probation after judgment, or a suspended sentence;
- 18 (4) the Director of the Patuxent Institution, if the registrant is in the
- 19 custody of the Patuxent Institution;
- 20 (5) the Secretary of Health and Mental Hygiene, if the registrant is in
- 21 the custody of a facility operated by the Department of Health and Mental Hygiene;
- 22 (6) the court in which the registrant was convicted, if the registrant's
- 23 sentence does not include a term of imprisonment or if the sentence is modified to
- 24 time served;
- 25 (7) the Secretary, if the registrant is in the State under terms and
- 26 conditions of the Interstate Compact for Adult Offender Supervision, set forth in Title
- 27 6, Subtitle 2 of the Correctional Services Article, or the Interstate Corrections
- 28 Compact, set forth in Title 8, Subtitle 6 of the Correctional Services Article;
- 29 (8) the Secretary, if the registrant moves to this State and was convicted
- 30 in another state of a crime that would require the registrant to register if the crime
- 31 was committed in this State;
- 32 (9) the Secretary, if the registrant moves to this State from another state
- 33 where the registrant was required to register;
- 34 (10) the Secretary, if the registrant is convicted in a federal, military, or
- 35 Native American tribal court and is not under supervision by another supervising
- 36 authority;

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

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

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

10 11-707.

11 (a) (1) (i) A child sexual offender shall register annually in person, on or
12 before January 1, with a local law enforcement unit for the term provided under
13 paragraph (4) of this subsection.

14 (ii) Each registration shall include a new photograph.

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

18 (3) (i) A sexually violent predator shall register in person every 90
19 days, on or before January 1, April 1, July 1, and October 1, in accordance with §
20 11-711(b) of this subtitle and for the term provided under paragraph (4)(ii) of this
21 subsection.

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

24 (4) The term of registration is:

25 (i) 10 years; or

26 (ii) life, if:

27 1. the registrant is a sexually violent predator;

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

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

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

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

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

- 5 (1) the last date of release;
6 (2) the date granted probation; or
7 (3) the date granted a suspended sentence.

8 11-709.

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

13 (b) (1) As soon as possible but not later than 5 working days after receiving
14 a registration statement of a child sexual offender OR NOTICE OF A CHANGE OF
15 ADDRESS OF A CHILD SEXUAL OFFENDER, a local law enforcement unit shall send
16 written notice of the registration statement OR CHANGE OF ADDRESS to the county
17 superintendent, as defined in § 1-101 of the Education Article, in the county where
18 the child sexual offender is to reside or where a child sexual offender who is not a
19 resident of the State is a transient or will work or attend school.

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

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

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

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

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

34 (D) AS SOON AS POSSIBLE BUT NOT LATER THAN 5 DAYS AFTER RECEIVING
35 NOTICE FROM A LOCAL LAW ENFORCEMENT UNIT UNDER THIS SECTION, A POLICE
36 DEPARTMENT OF A MUNICIPAL CORPORATION SHALL SEND A COPY OF THE NOTICE
37 TO THE COMMANDER OF THE LOCAL POLICE PRECINCT OR DISTRICT IN WHICH THE

1 CHILD SEXUAL OFFENDER IS TO RESIDE OR WHERE A CHILD SEXUAL OFFENDER
2 WHO IS NOT A RESIDENT OF THE STATE WILL WORK OR ATTEND SCHOOL.

3 (E) AS SOON AS POSSIBLE BUT NOT LATER THAN 5 DAYS AFTER RECEIVING A
4 NOTICE FROM A SUPERVISING AUTHORITY UNDER THIS SUBTITLE, A LOCAL LAW
5 ENFORCEMENT UNIT SHALL SEND A COPY OF THE NOTICE TO THE COMMANDER OF
6 THE LAW ENFORCEMENT UNIT IN THE DISTRICT OR AREA IN WHICH THE CHILD
7 SEXUAL OFFENDER IS TO RESIDE OR WHERE A CHILD SEXUAL OFFENDER WHO IS
8 NOT A RESIDENT OF THE STATE WILL WORK OR ATTEND SCHOOL.

9 (F) AS SOON AS POSSIBLE BUT NOT LATER THAN 5 DAYS AFTER RECEIVING A
10 COPY OF A REGISTRATION STATEMENT OF A CHILD SEXUAL OFFENDER UNDER THIS
11 SUBTITLE, OR NOTICE OF A CHANGE OF ADDRESS OF A REGISTERED CHILD SEXUAL
12 OFFENDER, A LOCAL LAW ENFORCEMENT UNIT SHALL SEND WRITTEN NOTICE OF
13 THE REGISTRATION STATEMENT TO THE FOLLOWING ENTITIES THAT ARE LOCATED
14 WITHIN THE AREA IN WHICH THE CHILD SEXUAL OFFENDER IS TO RESIDE OR
15 WHERE A CHILD SEXUAL OFFENDER WHO IS NOT A RESIDENT OF THE STATE WILL
16 WORK OR ATTEND SCHOOL:

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

19 (2) CHILD RECREATION FACILITIES;

20 (3) FAITH INSTITUTIONS; AND

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

23 (G) (1) WITHIN 10 DAYS AFTER RECEIVING UNDER THIS SUBTITLE A COPY
24 OF A REGISTRATION STATEMENT OF A CHILD SEXUAL OFFENDER, OR NOTICE OF A
25 CHANGE OF ADDRESS OF A REGISTERED CHILD SEXUAL OFFENDER, A LOCAL LAW
26 ENFORCEMENT UNIT SHALL HOLD A MEETING OPEN TO ALL RESIDENTS LIVING IN
27 THE GEOGRAPHIC AREA SURROUNDING THE PLACE IN WHICH A CHILD SEXUAL
28 OFFENDER IS TO RESIDE OR WHERE A CHILD SEXUAL OFFENDER WHO IS NOT A
29 RESIDENT OF THE STATE WILL WORK OR ATTEND SCHOOL.

30 (2) THE PAROLE AGENT OF THE CHILD SEXUAL OFFENDER, A SEXUAL
31 OFFENDER TREATMENT PROVIDER, AND A SEXUAL OFFENDER VICTIM ADVOCATE
32 SHALL ATTEND A MEETING HELD UNDER PARAGRAPH (1) OF THIS SUBSECTION TO
33 PROVIDE INFORMATION ABOUT THE CHILD SEXUAL OFFENDER AND GENERAL
34 EDUCATIONAL INFORMATION ABOUT:

35 (I) CHILD SEXUAL OFFENDING;

36 (II) PROTECTING CHILDREN AGAINST SEXUAL OFFENDING; AND

37 (III) ACTS AGAINST SEXUAL OFFENDERS THAT ARE PROHIBITED.

1 (3) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS
2 SECTION REGARDING:

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

6 (II) THE METHOD OF CONDUCTING AND ADVERTISING THE
7 COMMUNITY MEETING; AND

8 (III) SPECIFIC INFORMATION ABOUT THE REGISTRANT TO BE
9 PROVIDED TO THE COMMUNITY.

10 (H) WITHIN 10 DAYS AFTER RECEIVING UNDER THIS SUBTITLE A COPY OF A
11 REGISTRATION STATEMENT OF A CHILD SEXUAL OFFENDER OR NOTICE OF A
12 CHANGE OF ADDRESS OF A CHILD SEXUAL OFFENDER, A LOCAL LAW ENFORCEMENT
13 UNIT MAY NOTIFY MEMBERS OF THE PUBLIC WHO LIVE OUTSIDE THE GEOGRAPHIC
14 AREA DEFINED IN SUBSECTION (G) OF THIS SECTION BUT WHO LIVE WITHIN THE
15 MUNICIPAL CORPORATION OR OTHER LARGER AREA IN WHICH THE CHILD SEXUAL
16 OFFENDER IS TO RESIDE OR WHERE THE CHILD SEXUAL OFFENDER WHO IS NOT A
17 RESIDENT OF THE STATE WILL WORK OR ATTEND SCHOOL.

18 (I) (1) PROCEDURES FOR NOTIFYING THE COMMUNITY UNDER
19 SUBSECTION (G) AND SUBSECTION (H) OF THIS SECTION SHALL INCLUDE, AS
20 APPROPRIATE:

21 (I) MEDIA RELEASE THROUGH PUBLICATION IN LOCAL
22 NEWSPAPERS OF GENERAL CIRCULATION;

23 (II) NOTICE TO LOCAL TELEVISION STATIONS;

24 (III) PUBLICATION IN SCHOOL AND COMMUNITY NEWSLETTERS;

25 (IV) FLYERS OR HANDBILLS DISTRIBUTED BY MAIL; AND

26 (V) FLYERS OR HANDBILLS DISTRIBUTED DOOR-TO-DOOR BY
27 LOCAL LAW ENFORCEMENT UNITS.

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

32 (I) RESOURCES AVAILABLE TO THE LOCAL LAW ENFORCEMENT
33 UNIT; AND

34 (II) INFORMATION REGARDING THE RISK TO COMMUNITY SAFETY
35 FROM A CHILD SEXUAL OFFENDER THAT IS AVAILABLE TO THE LOCAL LAW
36 ENFORCEMENT UNIT.

1 11-713.

2 The Department:

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

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

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

11 (4) SHALL REIMBURSE LOCAL LAW ENFORCEMENT UNITS FOR THE
12 COSTS OF IMPLEMENTING COMMUNITY NOTIFICATION PROCEDURES.

13 11-717.

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

16 (2) INFORMATION ABOUT REGISTRATION STATEMENTS SHALL
17 INCLUDE, IN PLAIN LANGUAGE THAT CAN BE UNDERSTOOD WITHOUT SPECIAL
18 KNOWLEDGE OF THE CRIMINAL LAWS OF THE STATE, A DESCRIPTION OF THE CRIME
19 OF THE OFFENDER THAT IS THE BASIS FOR THE REGISTRATION.

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

22 (C) THE DEPARTMENT, THROUGH AN INTERNET POSTING OF CURRENT
23 REGISTRANTS, SHALL ALLOW THE PUBLIC TO ELECTRONICALLY TRANSMIT
24 INFORMATION THE PUBLIC MAY HAVE ABOUT A REGISTRANT TO THE DEPARTMENT,
25 A PAROLE AGENT OF A REGISTRANT, AND THE LOCAL LAW ENFORCEMENT UNIT
26 WHERE A REGISTRANT RESIDES OR WHERE A REGISTRANT WHO IS NOT A RESIDENT
27 OF THE STATE WILL WORK OR ATTEND SCHOOL.

28 (D) THE DEPARTMENT SHALL MAKE AVAILABLE TO MEMBERS OF THE PUBLIC
29 WHO LIVE IN THE COUNTY IN WHICH THE REGISTRANT IS TO RESIDE OR WHERE THE
30 REGISTRANT, IF NOT A RESIDENT OF THE STATE, WILL WORK OR ATTEND SCHOOL
31 THE OPTION OF RECEIVING ELECTRONIC MAIL NOTIFICATION OF THE RELEASE
32 FROM INCARCERATION OF A REGISTERED OFFENDER AND THE REGISTRATION
33 INFORMATION OF THE OFFENDER.

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

1 11-718.

2 (a) (1) If the Department or a local law enforcement unit finds that, to
3 protect the public from a specific registrant, it is necessary to give notice of a
4 registration statement OR A CHANGE OF ADDRESS OF THE REGISTRANT to a
5 particular person NOT OTHERWISE IDENTIFIED UNDER § 11-709 OF THIS SUBTITLE,
6 then the Department or a local law enforcement unit shall give notice of the
7 registration statement to that person.

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

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

13 (2) APPROPRIATE NOTIFICATION PROCEDURES INCLUDE THOSE
14 IDENTIFIED IN § 11-709 OF THIS SUBTITLE.

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

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

19 11-721.

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

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

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

28 11-722.

29 (A) EXCEPT WHERE A TERM OF NATURAL LIFE WITHOUT THE POSSIBILITY OF
30 PAROLE IS IMPOSED, A SENTENCE FOR A DEFENDANT FOR A VIOLATION THAT
31 REQUIRES THE DEFENDANT TO REGISTER AS A SEX OFFENDER FOR A TERM OF LIFE
32 UNDER § 11-707 OF THIS SUBTITLE SHALL INCLUDE A TERM OF EXTENDED SEXUAL
33 OFFENDER PAROLE SUPERVISION.

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

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

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

3 11-723.

4 (A) THE MARYLAND PAROLE COMMISSION SHALL:

5 (1) NEGOTIATE, ENTER INTO, AND SIGN EXTENDED SEXUAL OFFENDER
6 PAROLE SUPERVISION AGREEMENTS WITH REGISTRANTS SENTENCED TO
7 SUPERVISION UNDER § 11-722 OF THIS SUBTITLE THAT SET OUT SPECIFIC
8 CONDITIONS OF SUPERVISION;

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

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

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

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

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

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

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

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

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

30 (6) AUTHORIZING PAROLE AGENTS TO ACCESS THE COMPUTER OF A
31 REGISTRANT; AND

32 (7) REQUIRING A REGISTRANT TO TAKE REGULAR POLYGRAPH
33 EXAMINATIONS.

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

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

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

6 (4) A PETITION FOR DISCHARGE SHALL INCLUDE:

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

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

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

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

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

22 11-724.

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

28 (B) A SEXUAL OFFENDER MANAGEMENT TEAM:

29 (1) CONSISTS OF:

30 (I) A SPECIALLY-TRAINED PAROLE AGENT;

31 (II) A REPRESENTATIVE OF A CERTIFIED SEX OFFENDER
32 TREATMENT PROVIDER; AND

33 (III) A POLYGRAPHER; AND

34 (2) MAY INCLUDE:

35 (I) VICTIM ADVOCATES;

17 UNOFFICIAL COPY OF SENATE BILL 1

1 (II) FAITH COUNSELORS;

2 (III) EMPLOYMENT COUNSELORS; AND

3 (IV) COMMUNITY LEADERS.

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

7 (2) A SEXUAL OFFENDER MANAGEMENT TEAM SHALL PROVIDE COPIES
8 OF EACH PROGRESS REPORT TO LOCAL LAW ENFORCEMENT UNITS OF THE COUNTY
9 IN WHICH THE REGISTRANT RESIDES OR WHERE A SEXUAL OFFENDER WHO IS NOT A
10 RESIDENT OF THE STATE WILL WORK OR ATTEND SCHOOL.

11 11-725.

12 (A) THERE IS A SEXUAL OFFENDER ADVISORY BOARD.

13 (B) THE BOARD CONSISTS OF NO MORE THAN 12 MEMBERS REPRESENTING
14 LAW ENFORCEMENT, CORRECTIONAL SERVICES, SEXUAL OFFENDER TREATMENT
15 PROVIDERS, VICTIM ADVOCATES, AND POLYGRAPHERS.

16 (C) (1) THE GOVERNOR, THE PRESIDENT OF THE SENATE, AND THE
17 SPEAKER OF THE HOUSE OF DELEGATES SHALL EACH APPOINT ONE-THIRD OF THE
18 MEMBERSHIP OF THE BOARD.

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

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

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

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

27 (D) THE BOARD SHALL:

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

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

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

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

2 11-726.

3 THE COMMISSION, WITH THE ADVICE OF THE SEXUAL OFFENDER ADVISORY
4 BOARD, SHALL ADOPT REGULATIONS NECESSARY TO CARRY OUT THE DUTIES OF
5 THE COMMISSION UNDER § 11-723 OF THIS SUBTITLE.

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

8 (1) four members in 2008;

9 (2) four members in 2009; and

10 (3) four members in 2010.

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2006.