

(PRE-FILED)

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By: **Senators Miller, DeGrange, Dyson, Garagiola, Jimeno, Klausmeier, and Stone Stone, Forehand, Jacobs, Giannetti, and Mooney**

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 30, 2006

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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; establishing that the initial  
5 registration of an individual relating to certain sexual offenses is a reportable  
6 offense for certain criminal records purposes; requiring a certain notice by a  
7 certain person to be sent to a certain registry; altering certain time periods for  
8 certain notification requirements; establishing that all persons subject to  
9 certain registration requirements must register in person every 3 months;  
10 requiring that certain registrations include a photograph that shall be updated  
11 at least once each year; repealing certain dates before which certain registrants  
12 are required to register; requiring a certain supervising authority to obtain a  
13 DNA sample from a certain registrant under certain circumstances; requiring a  
14 local law enforcement unit to provide a certain notice to a certain county  
15 superintendent and certain nonpublic schools of a change of address of a certain  
16 sexual offender within a certain time period; requiring a local law enforcement  
17 unit to provide a certain notice to a certain police department of a certain  
18 change of address of a certain sexual offender within a certain time period;  
19 requiring a certain police department to provide a certain notice to a certain  
20 commander of a local police precinct or district within a certain time period;  
21 requiring a local law enforcement unit to send a copy of a certain notice to a  
22 certain commander of a local police precinct or district within a certain time  
23 period; requiring authorizing a local law enforcement unit to send a certain  
24 notice to certain organizations that serve children and other individuals  
25 vulnerable to certain offenders ~~within a certain time period; requiring a local~~  
26 ~~law enforcement unit to hold a certain meeting open to all residents living in a~~

1 certain geographic area within a certain time period; requiring a State parole  
2 agent, a sexual offender treatment provider, and a sexual offender victim  
3 advocate to attend a certain meeting and provide certain information; requiring  
4 the Department of Public Safety and Correctional Services to adopt certain  
5 regulations; authorizing a local law enforcement unit to notify certain members  
6 of the public outside a certain geographical area of a certain registration  
7 statement and notice of change of address of a certain offender; requiring certain  
8 notification procedures to be used, as appropriate; requiring the Department to  
9 reimburse a local law enforcement unit for the costs of certain community  
10 notification; requiring certain registration statements to include a certain  
11 description of the crime that is the basis for the registration of a certain  
12 offender; requiring the Department, through a certain Internet posting of  
13 current registrants, to allow the public to electronically transmit certain  
14 information to the Department, to certain parole agents, and to local law  
15 enforcement; requiring the Department to ~~make available to~~ allow certain  
16 members of the ~~public~~ public, by request, to receive electronic mail notification  
17 of the release and registration information of certain offenders; authorizing the  
18 Department or a local law enforcement unit to provide certain information to a  
19 certain person under certain circumstances; altering for a second or subsequent  
20 conviction the classification of the crime from a misdemeanor to a felony and  
21 increasing the maximum penalties for a person convicted of knowingly failing to  
22 register as an offender for certain crimes, knowingly failing to provide a certain  
23 written notice to the Department, and knowingly providing false information of  
24 a material fact on a certain registration statement; prohibiting certain  
25 registrants from entering the real property of certain schools, child care homes,  
26 day care homes, or child care institutions under certain circumstances;  
27 establishing certain penalties; requiring a sentence for a certain category of  
28 sexual offender to include a term for extended sexual offender parole  
29 supervision; requiring that a term of extended sexual offender parole  
30 supervision have a certain minimum and a possible certain maximum period  
31 and commence at the expiration of a certain term; requiring that the  
32 Commission ~~negotiate, enter into,~~ enter into and sign certain extended sexual  
33 offender parole supervision agreements that set out certain conditions;  
34 requiring the Commission to hear and adjudicate certain cases; authorizing the  
35 Commission to impose certain sanctions on certain registrants; providing that  
36 imprisonment for a certain violation is not subject to diminution credits;  
37 authorizing certain specific conditions of extended sexual offender parole  
38 supervision agreements; requiring the Commission to hear and adjudicate a  
39 certain petition of discharge from extended sexual offender parole supervision;  
40 authorizing a certain registrant to petition for discharge after serving a certain  
41 period of extended supervision; authorizing a registrant whose petition for  
42 discharge is denied to petition for discharge again after a certain period;  
43 requiring a certain petition for discharge to include a certain risk assessment of  
44 a registrant and a recommendation from a certain sexual offender management  
45 team; prohibiting the Commission from discharging a registrant from certain  
46 supervision unless the Commission determines that the registrant no longer  
47 poses an unacceptable risk to community safety; providing that the Commission  
48 has certain powers for the purpose of carrying out certain duties; requiring the

1 Commission to appoint a certain administrator; requiring that a sexual offender  
 2 parole supervision be conducted by a sexual offender management team under  
 3 the supervision of the Division of Parole and Probation; requiring a sexual  
 4 offender management team to be comprised of a certain parole agent; and a  
 5 sexual offender treatment provider, and polygrapher; authorizing a sexual  
 6 offender management team to include certain other persons; requiring a sexual  
 7 offender management team to submit certain progress reports on certain  
 8 registrants at certain intervals; requiring a sexual offender management team  
 9 to provide a copy of a certain progress report to a certain local law enforcement  
 10 unit; requiring the Commission, with the advice of a certain board, to adopt  
 11 certain regulations; establishing a Sexual Offender Advisory ~~Board to assist the~~  
 12 ~~Commission and the Division; providing for the composition and method of~~  
 13 ~~selection of the Board; establishing the terms of the members of the Board;~~  
 14 ~~requiring the Board to perform certain duties; requiring the Commission, with~~  
 15 ~~the advice of the Board, to adopt certain regulations; Board; providing for the~~  
 16 membership, appointment, terms, staggering of terms, reimbursements, chair,  
 17 quorum and meeting requirements, duties, and staffing of the Board; requiring  
 18 certain units of government to cooperate with the Board; defining certain terms;  
 19 specifying the terms of the initial members of the Board; requiring the State  
 20 Board of Education to adopt regulations that prohibit a county board of  
 21 education from contracting for certain services with certain individuals who are  
 22 required to register as certain offenders or who employ individuals to provide  
 23 certain services who are required to register as certain offenders; and generally  
 24 relating to the supervision of, notification concerning, and penalties for sexual  
 25 offenders.

26 BY repealing and reenacting, without amendments,  
 27 Article - Correctional Services  
 28 Section 7-205  
 29 Annotated Code of Maryland  
 30 (1999 Volume and 2005 Supplement)

31 BY repealing and reenacting, with amendments,  
 32 Article - Correctional Services  
 33 Section 7-206  
 34 Annotated Code of Maryland  
 35 (1999 Volume and 2005 Supplement)

36 BY repealing and reenacting, with amendments,  
 37 Article - Criminal Procedure  
 38 Section 10-215(a), 11-701, 11-705, 11-707, 11-708(b), 11-709, 11-713, 11-717,  
 39 11-718, and 11-721  
 40 Annotated Code of Maryland  
 41 (2001 Volume and 2005 Supplement)

42 ~~BY repealing and reenacting, without amendments,~~

1 ~~Article - Criminal Procedure~~  
 2 ~~Section 11-707~~  
 3 ~~Annotated Code of Maryland~~  
 4 ~~(2001 Volume and 2005 Supplement)~~

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

10 BY adding to  
 11 Article - Education  
 12 Section 6-113.1  
 13 Annotated Code of Maryland  
 14 (2004 Replacement Volume and 2005 Supplement)

15 BY adding to  
 16 Article - Public Safety  
 17 Section 1-401 to be under the new subtitle "Subtitle 4. Sexual Offender  
 18 Advisory Board"  
 19 Annotated Code of Maryland  
 20 (2003 Volume and 2005 Supplement)

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

23 **Article - Correctional Services**

24 7-205.

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

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

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

30 (3) hear cases for parole in which:

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

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

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

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

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

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

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

10 (7) hear cases of parole revocation; and

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

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

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

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

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

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

26 (1) issue subpoenas requiring the attendance and testimony of  
27 witnesses;

28 (2) administer oaths; and

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

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

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

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

5 7-206.

6 The Commission shall:

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

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

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

13 (i) concerning parole of an inmate under a sentence of life  
 14 imprisonment; and

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

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

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

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

25 **Article - Criminal Procedure**

26 10-215.

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

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

30 (2) an arrest;

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

32 (4) the filing of a charging document;

33 (5) a release pending trial or an appeal;

- 1           (6)     a commitment to an institution of pretrial detention;
- 2           (7)     the dismissal of an indictment or criminal information;
- 3           (8)     a nolle prosequi;
- 4           (9)     the marking of a charge "stet" on the docket;
- 5           (10)    an acquittal, conviction, verdict of not criminally responsible, or any  
6 other disposition of a case at or following trial, including a finding of probation before  
7 judgment;
- 8           (11)    the imposition of a sentence;
- 9           (12)    a commitment to a State correctional facility or local correctional  
10 facility;
- 11          (13)    a commitment to the Department of Health and Mental Hygiene  
12 under § 3-105 or § 3-111 of this article as incompetent to stand trial or not criminally  
13 responsible;
- 14          (14)    a release from detention or confinement;
- 15          (15)    a conditional release, revocation of conditional release, or discharge  
16 of a person committed to the Department of Health and Mental Hygiene under §  
17 3-105 or § 3-111 of this article as incompetent to stand trial or not criminally  
18 responsible;
- 19          (16)    an escape from confinement or commitment;
- 20          (17)    a pardon, reprieve, commutation of a sentence, or other change in a  
21 sentence, including a change in a sentence that a court orders;
- 22          (18)    an entry of an appeal to an appellate court;
- 23          (19)    a judgment of an appellate court;
- 24          (20)    an order of a court in a collateral proceeding that affects a person's  
25 conviction, sentence, or confinement;
- 26          (21)    an adjudication of a child as delinquent:
- 27                   (i)     if the child is at least 14 years old, for an act described in §  
28 3-8A-03(d)(1) of the Courts Article; or
- 29                   (ii)    if the child is at least 16 years old, for an act described in §  
30 3-8A-03(d)(4) or (5) of the Courts Article;
- 31          (22)    the issuance or withdrawal of a writ of attachment by a juvenile  
32 court; [and]

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

3           [(23)]   (24)    any other event arising out of or occurring during the course  
4 of a criminal proceeding that the Secretary by regulation or the Court of Appeals by  
5 rule makes a reportable event.

6 11-701.

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

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

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

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

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

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

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

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

22       [(b-1)]   (B-2)     "Employment" means an occupation, job, or vocation that is full  
23 time or part time for a period exceeding 14 days or for an aggregate period exceeding  
24 30 days during a calendar year, whether financially compensated, volunteered, or for  
25 the purpose of government or educational benefit.

26       (B-3)     "EXTENDED PAROLE SUPERVISION OFFENDER" MEANS A PERSON WHO:

27           (1)       IS A SEXUALLY VIOLENT PREDATOR;

28           (2)       HAS BEEN CONVICTED OF A VIOLATION OF § 3-303, § 3-304, § 3-305, §  
29 3-306(A)(1) OR (2), OR § 3-307(A)(1) OR (2) OF THE CRIMINAL LAW ARTICLE;

30           (3)       HAS BEEN CONVICTED OF A VIOLATION OF § 3-309, § 3-310, OR § 3-311  
31 OF THE CRIMINAL LAW ARTICLE OR AN ATTEMPT TO COMMIT A VIOLATION OF §  
32 3-306(A)(1) OR (2) OF THE CRIMINAL LAW ARTICLE;

33           (4)       HAS BEEN CONVICTED OF A VIOLATION OF § 3-602 OF THE CRIMINAL  
34 LAW ARTICLE FOR COMMISSION OF A SEXUAL ACT INVOLVING PENETRATION OF A  
35 CHILD UNDER THE AGE OF 12 YEARS; OR



1           (5)     HAS BEEN CONVICTED MORE THAN ONCE OF A CRIME AS A CHILD  
2 SEXUAL OFFENDER, AN OFFENDER, OR A SEXUALLY VIOLENT OFFENDER.

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

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

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

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

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

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

16                (5)     has been convicted of violating the child pornography statute under §  
17 11-207 of the Criminal Law Article;

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

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

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

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

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

30                (2)     "Release" means:

31                         (i)     release on parole;

32                         (ii)    mandatory supervision release;

33                         (iii)   release from a correctional facility with no required period of  
34 supervision;

- 1 (iv) work release;
- 2 (v) placement on home detention; and
- 3 (vi) the first instance of entry into the community that is part of a  
4 supervising authority's graduated release program.

5 (3) "Release" does not include:

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

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

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

11 (g) "Sexually violent offense" means:

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

14 (2) assault with intent to commit rape in the first or second degree or a  
15 sexual offense in the first or second degree as prohibited on or before September 30,  
16 1996, under former Article 27, § 12 of the Code; or

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

20 (h) "Sexually violent predator" means:

21 (1) a person who:

22 (i) is convicted of a sexually violent offense; and

23 (ii) has been determined in accordance with this subtitle to be at  
24 risk of committing another sexually violent offense; or

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

28 (i) "Supervising authority" means:

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

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

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

7 (4) the Director of the Patuxent Institution, if the registrant is in the  
8 custody of the Patuxent Institution;

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

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

14 (7) the Secretary, if the registrant is in the State under terms and  
15 conditions of the Interstate Compact for Adult Offender Supervision, set forth in Title  
16 6, Subtitle 2 of the Correctional Services Article, or the Interstate Corrections  
17 Compact, set forth in Title 8, Subtitle 6 of the Correctional Services Article;

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

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

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

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

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

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

35 11-705.

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

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- 1 (1) is released;
- 2 (2) is granted probation;
- 3 (3) is granted a suspended sentence; or
- 4 (4) receives a sentence that does not include a term of imprisonment.

5 (b) A registrant shall register with the supervising authority:

6 (1) if the registrant is a resident, on or before the date that the  
7 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 days after the earlier  
15 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 (c) (1) A child sexual offender shall also register in person with the local law  
23 enforcement unit of the county where the child sexual offender will reside:

- 24 (i) within 7 days after release, if the child sexual offender is a  
25 resident; or
- 26 (ii) within 7 days after registering with the supervising authority, if  
27 the registrant is moving into this State.

28 (2) Within 7 days after registering with the supervising authority, a child  
29 sexual offender who is not a resident and has entered the State under § 11-704(a)(7)

1 of this subtitle shall also register in person with the local law enforcement unit of the  
 2 county where the child sexual offender is a transient or will work or attend school.

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

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

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

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

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

19 11-707.

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

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

26 (2) (I) An offender and a sexually violent offender shall register  
 27 ~~annually, on or before January 1,~~ IN PERSON EVERY 3 MONTHS with the Department  
 28 A LOCAL LAW ENFORCEMENT UNIT in accordance with § 11-711(a) of this subtitle and  
 29 for the term provided under paragraph (4) of this subsection.

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

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

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

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- 1 (4) The term of registration is:
- 2 (i) 10 years; or
- 3 (ii) life, if:
- 4 1. the registrant is a sexually violent predator;
- 5 2. the registrant has been convicted of a sexually violent
- 6 offense;
- 7 3. the registrant has been convicted of a violation of § 3-602
- 8 of the Criminal Law Article for commission of a sexual act involving penetration of a
- 9 child under the age of 12 years; or
- 10 4. the registrant has been convicted of a prior crime as a
- 11 child sexual offender, an offender, or a sexually violent offender.

12 (5) A registrant who is not a resident of the State shall register for the

13 appropriate time specified in this subsection or until the registrant's employment,

14 student enrollment, or transient status in the State ends.

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

- 16 (1) the last date of release;
- 17 (2) the date granted probation; or
- 18 (3) the date granted a suspended sentence.

19 11-708.

20 (b) (1) The supervising authority shall obtain a photograph and fingerprints

21 of the registrant and attach the photograph and fingerprints to the registration

22 statement.

23 (2) FOR A REGISTRANT WHO HAS NOT SUBMITTED A DNA SAMPLE, AS

24 DEFINED IN § 2-501 OF THE PUBLIC SAFETY ARTICLE, FOR INCLUSION IN THE

25 STATEWIDE DNA DATABASE SYSTEM OF THE DEPARTMENT OF STATE POLICE CRIME

26 LABORATORY, THE SUPERVISING AUTHORITY SHALL:

27 (I) OBTAIN A DNA SAMPLE FROM THE REGISTRANT AT THE

28 REGISTRANT'S INITIAL REGISTRATION; AND

29 (II) PROVIDE THE SAMPLE TO THE STATEWIDE DNA DATABASE

30 SYSTEM OF THE DEPARTMENT OF STATE POLICE CRIME LABORATORY.

31 (3) THIS SUBSECTION DOES NOT APPLY IF THE REGISTRANT IS

32 REQUIRED TO REGISTER UNDER § 11-704 OF THIS SUBTITLE SOLELY AS A RESULT OF

33 A MISDEMEANOR CONVICTION.

1 11-709.

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

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

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

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

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

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

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

28 (D) AS SOON AS POSSIBLE BUT NOT LATER THAN 5 DAYS AFTER RECEIVING  
29 NOTICE FROM A LOCAL LAW ENFORCEMENT UNIT UNDER THIS SECTION, A POLICE  
30 DEPARTMENT OF A MUNICIPAL CORPORATION SHALL SEND A COPY OF THE NOTICE  
31 TO THE COMMANDER OF THE LOCAL POLICE PRECINCT OR DISTRICT IN WHICH THE  
32 CHILD SEXUAL OFFENDER IS TO RESIDE OR WHERE A CHILD SEXUAL OFFENDER  
33 WHO IS NOT A RESIDENT OF THE STATE WILL WORK OR ATTEND SCHOOL.

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

1 (F) ~~AS SOON AS POSSIBLE BUT NOT LATER THAN 5 DAYS AFTER RECEIVING A~~  
 2 ~~COPY OF A REGISTRATION STATEMENT OF A CHILD SEXUAL OFFENDER UNDER THIS~~  
 3 ~~SUBTITLE, OR NOTICE OF A CHANGE OF ADDRESS OF A REGISTERED CHILD SEXUAL~~  
 4 ~~OFFENDER, A LOCAL LAW ENFORCEMENT UNIT SHALL SEND WRITTEN NOTICE OF~~  
 5 ~~THE REGISTRATION STATEMENT TO~~ MAY NOTIFY THE FOLLOWING ENTITIES THAT  
 6 ARE LOCATED WITHIN THE AREA COMMUNITY IN WHICH ~~THE~~ A CHILD SEXUAL  
 7 OFFENDER IS TO RESIDE OR WHERE A CHILD SEXUAL OFFENDER WHO IS NOT A  
 8 RESIDENT OF THE STATE WILL WORK OR ATTEND SCHOOL OF THE FILING OF A  
 9 REGISTRATION STATEMENT OR NOTICE OF CHANGE OF ADDRESS BY THE CHILD  
 10 SEXUAL OFFENDER:

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

13 (2) CHILD RECREATION FACILITIES;

14 (3) FAITH INSTITUTIONS; AND

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

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

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

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

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

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

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

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

37 (II) ~~THE METHOD OF CONDUCTING AND ADVERTISING THE~~  
 38 ~~COMMUNITY MEETING; AND~~



1 (III) SPECIFIC INFORMATION ABOUT THE REGISTRANT TO BE  
2 PROVIDED TO THE COMMUNITY.

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

11 (I) (1) PROCEDURES FOR NOTIFYING THE COMMUNITY UNDER  
12 SUBSECTION (G) AND SUBSECTION (H) OF THIS SECTION SHALL INCLUDE, AS  
13 APPROPRIATE:

14 (I) MEDIA RELEASE THROUGH PUBLICATION IN LOCAL  
15 NEWSPAPERS OF GENERAL CIRCULATION;

16 (II) NOTICE TO LOCAL TELEVISION STATIONS;

17 (III) PUBLICATION IN SCHOOL AND COMMUNITY NEWSLETTERS;

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

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

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

25 (I) RESOURCES AVAILABLE TO THE LOCAL LAW ENFORCEMENT  
26 UNIT; AND

27 (II) INFORMATION REGARDING THE RISK TO COMMUNITY SAFETY  
28 FROM A CHILD SEXUAL OFFENDER THAT IS AVAILABLE TO THE LOCAL LAW  
29 ENFORCEMENT UNIT.

30 11-713.

31 The Department:

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

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

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

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

6 11-717.

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

9           (2)     INFORMATION ABOUT REGISTRATION STATEMENTS SHALL  
10 INCLUDE, IN PLAIN LANGUAGE THAT CAN BE UNDERSTOOD WITHOUT SPECIAL  
11 KNOWLEDGE OF THE CRIMINAL LAWS OF THE STATE, A DESCRIPTION OF THE CRIME  
12 OF THE OFFENDER THAT IS THE BASIS FOR THE REGISTRATION, EXCLUDING  
13 DETAILS THAT WOULD IDENTIFY THE VICTIM.

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

16       (C)     THE DEPARTMENT, THROUGH AN INTERNET POSTING OF CURRENT  
17 REGISTRANTS, SHALL ALLOW THE PUBLIC TO ELECTRONICALLY TRANSMIT  
18 INFORMATION THE PUBLIC MAY HAVE ABOUT A REGISTRANT TO THE DEPARTMENT,  
19 A PAROLE AGENT OF A REGISTRANT, AND THE LOCAL LAW ENFORCEMENT UNIT  
20 WHERE A REGISTRANT RESIDES OR WHERE A REGISTRANT WHO IS NOT A RESIDENT  
21 OF THE STATE WILL WORK OR ATTEND SCHOOL.

22       (D)     THE DEPARTMENT SHALL ~~MAKE AVAILABLE TO~~ ALLOW MEMBERS OF THE  
23 PUBLIC WHO LIVE IN THE COUNTY IN WHICH THE REGISTRANT IS TO RESIDE OR  
24 WHERE THE REGISTRANT, IF NOT A RESIDENT OF THE STATE, WILL WORK OR  
25 ATTEND SCHOOL ~~THE OPTION OF RECEIVING, BY REQUEST, TO RECEIVE~~  
26 ELECTRONIC MAIL NOTIFICATION OF THE RELEASE FROM INCARCERATION OF A  
27 REGISTERED OFFENDER AND THE REGISTRATION INFORMATION OF THE OFFENDER.

28       [(c)]   (E)     The Department shall establish regulations to carry out this section.  
29 11-718.

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

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

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

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

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

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

10 11-721.

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

14 (b) A person who violates this section:

15 (1) FOR A FIRST OFFENSE, is guilty of a ~~misdeemeanor~~ **FELONY** and on  
16 conviction is subject to imprisonment not exceeding ~~{3}~~ **5** years or a fine not  
17 exceeding ~~{\$5,000}~~ **\$10,000** or both; AND

18 (2) FOR A SECOND OR SUBSEQUENT OFFENSE, IS GUILTY OF A FELONY  
19 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A  
20 FINE NOT EXCEEDING \$10,000 OR BOTH.

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

23 11-722.

24 (A) THIS SUBSECTION DOES NOT APPLY TO A CHILD SEXUAL OFFENDER  
25 REQUIRED TO REGISTER UNDER § 11-704 OF THIS TITLE WHO ENTERS REAL  
26 PROPERTY:

27 (1) WHERE THE CHILD SEXUAL OFFENDER IS A STUDENT OR THE CHILD  
28 OF THE CHILD SEXUAL OFFENDER IS A STUDENT OR RECEIVES CHILD CARE, UNLESS  
29 THE CHILD SEXUAL OFFENDER HAS BEEN GIVEN PROPER NOTICE NOT TO ENTER  
30 THE REAL PROPERTY;

31 (2) WITH THE SPECIFIC WRITTEN PERMISSION OF:

32 (I) THE SUPERINTENDENT OF SCHOOLS, THE LOCAL SCHOOL  
33 BOARD, OR THE PRINCIPAL OF THE SCHOOL; OR

34 (II) THE OWNER OR OPERATOR OF THE REGISTERED FAMILY DAY  
35 CARE HOME, LICENSED CHILD CARE HOME, OR LICENSED CHILD CARE INSTITUTION;  
36 OR

1           (3)     FOR THE PURPOSE OF VOTING AT A SCHOOL ON AN ELECTION DAY IN  
2 THE STATE, IF THE CHILD SEXUAL OFFENDER IS PROPERLY REGISTERED TO VOTE  
3 AND THE CHILD SEXUAL OFFENDER'S POLLING PLACE IS AT THE SCHOOL.

4     (B)     A CHILD SEXUAL OFFENDER MAY NOT KNOWINGLY ENTER ON REAL  
5 PROPERTY:

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

8           (2)     ON WHICH IS LOCATED:

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

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

13     (C)     A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
14 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A  
15 FINE NOT EXCEEDING \$5,000 OR BOTH.

16 11-723.

17     (A)     EXCEPT WHERE A TERM OF NATURAL LIFE WITHOUT THE POSSIBILITY OF  
18 PAROLE IS IMPOSED, A SENTENCE FOR ~~A DEFENDANT FOR A VIOLATION THAT~~  
19 ~~REQUIRES THE DEFENDANT TO REGISTER AS A SEX OFFENDER FOR A TERM OF LIFE~~  
20 UNDER § 11-707 OF THIS SUBTITLE AN EXTENDED PAROLE SUPERVISION OFFENDER  
21 SHALL INCLUDE A TERM OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION.

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

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

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

27 ~~11-723.~~ 11-724.

28     (A)     THE MARYLAND PAROLE COMMISSION SHALL:

29           (1)     ~~NEGOTIATE, ENTER INTO, ENTER INTO~~ AND SIGN EXTENDED SEXUAL  
30 OFFENDER PAROLE SUPERVISION AGREEMENTS WITH REGISTRANTS SENTENCED TO  
31 SUPERVISION UNDER § ~~11-722~~ 11-723 OF THIS SUBTITLE THAT SET OUT SPECIFIC  
32 CONDITIONS OF SUPERVISION;

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

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

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

6 (C) SPECIFIC CONDITIONS OF EXTENDED SEXUAL OFFENDER PAROLE  
7 SUPERVISION SHALL COMMENCE UPON RELEASE OF THE EXTENDED PAROLE  
8 SUPERVISION OFFENDER FROM INCARCERATION OR IMPOSITION OF PROBATION ON  
9 THE EXTENDED PAROLE SUPERVISION OFFENDER AND MAY INCLUDE:

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

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

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

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

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

22 (6) AUTHORIZING PAROLE AGENTS TO ACCESS THE PERSONAL  
23 COMPUTER OF A REGISTRANT TO CHECK FOR MATERIAL RELATING TO SEXUAL  
24 RELATIONS WITH MINORS; AND

25 (7) REQUIRING A REGISTRANT TO TAKE REGULAR POLYGRAPH  
26 EXAMINATIONS.

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

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

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

35 (4) A PETITION FOR DISCHARGE SHALL INCLUDE:

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

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

6 (5) THE COMMISSION MAY NOT DISCHARGE A REGISTRANT FROM  
7 EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION UNLESS THE COMMISSION  
8 DETERMINES THAT THE PETITIONER NO LONGER POSES AN UNACCEPTABLE RISK TO  
9 COMMUNITY SAFETY.

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

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

16 ~~41-724.~~ 11-725.

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

22 (B) A SEXUAL OFFENDER MANAGEMENT TEAM:

23 (1) CONSISTS OF:

24 (I) A SPECIALLY-TRAINED PAROLE AGENT; AND

25 (II) A REPRESENTATIVE OF A CERTIFIED SEX OFFENDER  
26 TREATMENT PROVIDER; AND

27 ~~(III) A POLYGRAPHER; AND~~

28 (2) MAY INCLUDE:

29 (I) VICTIM ADVOCATES;

30 (II) FAITH COUNSELORS;

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

32 (IV) COMMUNITY LEADERS; AND

33 (V) A POLYGRAPHER.

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

4 (2) UNLESS DISCLOSURE OF A REPORT WOULD BE IN VIOLATION OF  
5 LAWS REGARDING CONFIDENTIALITY OF TREATMENT RECORDS, A SEXUAL  
6 OFFENDER MANAGEMENT TEAM SHALL PROVIDE COPIES OF EACH PROGRESS  
7 REPORT TO LOCAL LAW ENFORCEMENT UNITS OF THE COUNTY IN WHICH THE  
8 REGISTRANT RESIDES OR WHERE A SEXUAL OFFENDER WHO IS NOT A RESIDENT OF  
9 THE STATE WILL WORK OR ATTEND SCHOOL.

10 ~~41-725.~~

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

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

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

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

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

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

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

26 ~~(D) THE BOARD SHALL:~~

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

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

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

34 ~~(4) PROVIDE TRAINING FOR SEXUAL OFFENDER MANAGEMENT TEAMS.~~

1 11-726.

2 THE COMMISSION, WITH THE ADVICE OF THE SEXUAL OFFENDER ADVISORY  
3 BOARD ESTABLISHED UNDER § 1-401 OF THE PUBLIC SAFETY ARTICLE, SHALL ADOPT  
4 REGULATIONS NECESSARY TO CARRY OUT THE DUTIES OF THE COMMISSION UNDER  
5 § ~~11-723~~ 11-724 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 **Article - Education**

12 6-113.1.

13 THE STATE BOARD SHALL ADOPT REGULATIONS THAT PROHIBIT A COUNTY  
14 BOARD FROM CONTRACTING TO REPAIR, MAINTAIN, IMPROVE, OR BUILD SCHOOL  
15 PROPERTY WITH A PERSON WHO IS REQUIRED TO REGISTER AS A CHILD SEXUAL  
16 OFFENDER OR AN EXTENDED PAROLE SUPERVISION OFFENDER UNDER § 11-704 OF  
17 THE CRIMINAL PROCEDURE ARTICLE OR WHO EMPLOYS INDIVIDUALS TO REPAIR,  
18 MAINTAIN, IMPROVE, OR BUILD SCHOOL PROPERTY WHO ARE REQUIRED TO  
19 REGISTER AS CHILD SEXUAL OFFENDERS OR EXTENDED PAROLE SUPERVISION  
20 OFFENDERS UNDER § 11-704 OF THE CRIMINAL PROCEDURE ARTICLE.

21 **Article - Public Safety**

22 SUBTITLE 4. SEXUAL OFFENDER ADVISORY BOARD.

23 1-401.

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

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

27 (1) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES,  
28 OR THE SECRETARY'S DESIGNEE;

29 (2) THE DIRECTOR OF THE DIVISION OF PAROLE AND PROBATION, OR  
30 THE DIRECTOR'S DESIGNEE;

31 (3) THE CHAIRMAN OF THE MARYLAND PAROLE COMMISSION, OR THE  
32 CHAIRMAN'S DESIGNEE;



1           (4)     THE EXECUTIVE DIRECTOR OF THE MENTAL HYGIENE  
2 ADMINISTRATION OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, OR THE  
3 EXECUTIVE DIRECTOR'S DESIGNEE;

4           (5)     THE SECRETARY OF STATE POLICE, OR THE SECRETARY'S DESIGNEE;  
5 AND

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

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

8                   (II)    A HEALTH CARE PROFESSIONAL WITH EXPERTISE IN MENTAL  
9 DISORDERS;

10                  (III)   A STATE'S ATTORNEY;

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

12                  (V)     A SEXUAL OFFENDER TREATMENT PROVIDER;

13                  (VI)    A POLYGRAPHER;

14                  (VII)   A REPRESENTATIVE OF A LOCAL LAW ENFORCEMENT UNIT;

15 AND

16                  (VIII)   TWO CITIZEN MEMBERS.

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

18                  (2)     THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS  
19 REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1,  
20 2006.

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

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

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

28    (D)    A BOARD MEMBER:

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

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

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

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

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

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

7 (G) THE BOARD SHALL:

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

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

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

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

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

18 (6) DEVELOP STANDARDS FOR SEXUAL OFFENDER TREATMENT BASED  
19 ON CURRENT AND EVOLVING BEST PRACTICES;

20 (7) CERTIFY STATE SEXUAL OFFENDER TREATMENT PROGRAMS THAT  
21 ARE IN COMPLIANCE WITH STANDARDS; AND

22 (8) PROVIDE TRAINING FOR SEXUAL OFFENDER MANAGEMENT TEAMS.

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

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

29 (J) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES  
30 AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL PROVIDE STAFF  
31 TO THE BOARD.

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

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

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