
By: **The President (By Request - Administration) and Senators Brinkley, Colburn, Haines, Hooper, Jacobs, Jimeno, Kittleman, Mooney, Munson, Schrader, Stoltzfus, and Stone**

Introduced and read first time: January 24, 2006

Rules suspended

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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

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

1 Advisory Board; providing for the membership, appointment, terms, staggering
2 of terms, reimbursements, chairman, quorum and meeting requirements,
3 duties, and staffing of the Board; requiring certain units of government to
4 cooperate with the Board; adding and altering certain definitions; and generally
5 relating to sexual offenders.

6 BY renumbering

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

12 BY repealing and reenacting, with amendments,

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

17 BY adding to

18 Article - Correctional Services
19 Section 7-502(d)
20 Annotated Code of Maryland
21 (1999 Volume and 2005 Supplement)

22 BY repealing and reenacting, with amendments,

23 Article - Criminal Law
24 Section 3-303 and 3-305
25 Annotated Code of Maryland
26 (2002 Volume and 2005 Supplement)

27 BY repealing and reenacting, with amendments,

28 Article - Criminal Procedure
29 Section 6-222, 10-215(a), 11-701(b), 11-704(a), 11-705, 11-707, 11-708,
30 11-709, 11-712, 11-713, 11-715, and 11-721
31 Annotated Code of Maryland
32 (2001 Volume and 2005 Supplement)

33 BY adding to

34 Article - Criminal Procedure
35 Section 11-701(e) and (j) and 11-722
36 Annotated Code of Maryland
37 (2001 Volume and 2005 Supplement)

1 BY repealing

2 Article - Criminal Procedure

3 Section 11-711

4 Annotated Code of Maryland

5 (2001 Volume and 2005 Supplement)

6 BY repealing and reenacting, with amendments,

7 Article - Courts and Judicial Proceedings

8 Section 4-301(b)(21) and (22) and 4-302(a) and (d)(1)

9 Annotated Code of Maryland

10 (2002 Replacement Volume and 2005 Supplement)

11 BY adding to

12 Article - Courts and Judicial Proceedings

13 Section 4-301(b)(23)

14 Annotated Code of Maryland

15 (2002 Replacement Volume and 2005 Supplement)

16 BY adding to

17 Article - Public Safety

18 Section 1-401 to be under the new subtitle "Subtitle 4. Sexual Offender Advisory

19 Board"

20 Annotated Code of Maryland

21 (2003 Volume and 2005 Supplement)

22 BY repealing and reenacting, without amendments,

23 Article - Public Safety

24 Section 2-504(a)(1)

25 Annotated Code of Maryland

26 (2003 Volume and 2005 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

28 MARYLAND, That Section(s) 11-701(e) through (h) and (i) through (j), respectively, of

29 Article - Criminal Procedure of the Annotated Code of Maryland be renumbered to be

30 Section(s) 11-701(f) through (i) and (k) through (l), respectively.

31 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland

32 read as follows:

33 **Article - Correctional Services**

34 7-308.

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

1 (b) Parole entitles the recipient:

2 (1) to leave the correctional facility in which the recipient was confined;
3 and

4 (2) if the recipient satisfactorily complies with all the terms and
5 conditions provided in the parole order, to serve the remainder of the recipient's term
6 of confinement outside the confines of the correctional facility.

7 (c) [A] EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A parolee
8 remains in legal custody until the expiration of the parolee's full, undiminished term.

9 (D) A PAROLEE SENTENCED FOR A VIOLATION OF §§ 3-303 THROUGH 3-307, §§
10 3-309 THROUGH 3-312, § 3-315, OR § 3-602 OF THE CRIMINAL LAW ARTICLE
11 COMMITTED ON OR AFTER OCTOBER 1, 2006, SHALL REMAIN IN LEGAL CUSTODY FOR
12 THE LONGER OF:

13 (1) 20 YEARS; OR

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

15 (E) FOR A PAROLEE SENTENCED FOR A VIOLATION OF §§ 3-303 THROUGH
16 3-307, §§ 3-309 THROUGH 3-312, § 3-315, OR § 3-602 OF THE CRIMINAL LAW ARTICLE,
17 AFTER CONSIDERATION OF A VICTIM IMPACT STATEMENT AND ANY STATEMENT
18 MADE BY A VICTIM TO THE COMMISSION, THE COMMISSION SHALL DETERMINE ON
19 THE RECORD WHETHER IT IS NECESSARY TO PROTECT THE VICTIM OR THE PUBLIC
20 BY ORDERING AS A CONDITION OF PAROLE:

21 (1) SUPERVISION BY ELECTRONIC MONITORING, WHICH MAY INCLUDE
22 A DETERMINATION BY THE DIVISION OF PAROLE AND PROBATION THAT
23 MONITORING BY A GLOBAL POSITIONING SATELLITE SYSTEM OR OTHER SIMILAR
24 TECHNOLOGY IS REQUIRED;

25 (2) PERIODIC POLYGRAPH EXAMINATIONS; OR

26 (3) THAT THE PAROLEE NOT RESIDE OR WORK WITHIN 500 FEET OF THE
27 REAL PROPERTY ON WHICH A PUBLIC OR NONPUBLIC ELEMENTARY OR SECONDARY
28 SCHOOL IS LOCATED.

29 [(d)] (F) The chairperson of the Commission shall file a copy of the parole
30 order with the clerk of the court in which the parolee was sentenced.

31 7-401.

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

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

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

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

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

9 (I) THE INMATE WAS SERVING A SENTENCE FOR A VIOLATION OF
10 §§ 3-303 THROUGH 3-307, §§ 3-309 THROUGH 3-312, § 3-315, OR § 3-602 OF THE
11 CRIMINAL LAW ARTICLE WHEN PAROLE WAS REVOKED; AND

12 (II) THE PAROLE WAS REVOKED FOR A FINDING THAT THE INMATE
13 HAD:

14 1. COMMITTED A VIOLENT CRIME WHILE ON PAROLE;

15 2. COMMITTED A VIOLATION OF § 3-307, § 3-308, § 3-315, §§
16 3-321 THROUGH 3-324, OR § 3-602 OF THE CRIMINAL LAW ARTICLE; OR

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

19 7-502.

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

23 (2) AN INDIVIDUAL ON MANDATORY SUPERVISION WHO WAS
24 SENTENCED FOR A VIOLATION OF §§ 3-303 THROUGH 3-307, §§ 3-309 THROUGH 3-312,
25 § 3-315, OR § 3-602 OF THE CRIMINAL LAW ARTICLE COMMITTED ON OR AFTER
26 OCTOBER 1, 2006, REMAINS IN LEGAL CUSTODY FOR THE LONGER OF:

27 (I) 20 YEARS; OR

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

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

30 (1) all laws, rules, regulations, and conditions that apply to parolees; and

31 (2) any special conditions established by a commissioner.

32 (D) THE COMMISSION SHALL MAKE THE FINDINGS REQUIRED FOR PAROLEES
33 UNDER § 7-308(E) OF THIS SUBTITLE FOR AN INDIVIDUAL ON MANDATORY

1 SUPERVISION WHO WAS SENTENCED FOR A VIOLATION OF §§ 3-303 THROUGH 3-307,
2 §§ 3-309 THROUGH 3-312, § 3-315, OR § 3-602 OF THE CRIMINAL LAW ARTICLE.

3

Article - Criminal Law

4 3-303.

5 (a) A person may not:

6 (1) engage in vaginal intercourse with another by force, or the threat of
7 force, without the consent of the other; and8 (2) (i) employ or display a dangerous weapon, or a physical object that
9 the victim reasonably believes is a dangerous weapon;10 (ii) suffocate, strangle, disfigure, or inflict serious physical injury
11 on the victim or another in the course of committing the crime;12 (iii) threaten, or place the victim in fear, that the victim, or an
13 individual known to the victim, imminently will be subject to death, suffocation,
14 strangulation, disfigurement, serious physical injury, or kidnapping;

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

16 (v) commit the crime in connection with a burglary in the first,
17 second, or third degree.18 (b) A person may not violate subsection (a) of this section while also violating
19 § 3-503(a)(2) of this title involving a victim who is a child under the age of 16 years.20 (C) A PERSON MAY NOT VIOLATE SUBSECTION (A) OF THIS SECTION
21 INVOLVING A VICTIM WHO IS A CHILD UNDER THE AGE OF 16 YEARS.22 [(c)] (D) (1) Except as provided in paragraphs (2) [and], (3), AND (4) of this
23 subsection, a person who violates subsection (a) of this section is guilty of the felony of
24 rape in the first degree and on conviction is subject to imprisonment not exceeding
25 life.26 (2) (I) A person who violates subsection (b) of this section is guilty of
27 the felony of rape in the first degree and on conviction is subject to imprisonment not
28 exceeding life without the possibility of parole.29 (II) SUBJECT TO THE PROVISIONS OF § 6-222 OF THE CRIMINAL
30 PROCEDURE ARTICLE, IF A PERSON IS CONVICTED OF VIOLATING SUBSECTION (B) OF
31 THIS SECTION AND THE COURT DOES NOT IMPOSE A SENTENCE OF IMPRISONMENT
32 FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE, THE COURT SHALL IMPOSE A
33 SENTENCE OF IMPRISONMENT FOR LIFE.34 (3) A person who violates this section is guilty of the felony of rape in the
35 first degree and on conviction is subject to imprisonment not exceeding life without

1 the possibility of parole if the defendant was previously convicted of violating this
2 section or § 3-305 of this subtitle.

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

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

11 3-305.

12 (a) A person may not:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 **Article - Criminal Procedure**

19 6-222.

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

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

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

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

26 1. 5 years if the probation is ordered by a circuit court; or

27 2. 3 years if the probation is ordered by the District Court; or

28 (ii) if a defendant IS convicted of sexual abuse of a minor under §
 29 3-602 of the Criminal Law Article or a crime involving a minor under [§ 3-303,] §
 30 3-304, [§ 3-305,] § 3-306, [or] § 3-307, §§ 3-309 THROUGH 3-312, OR § 3-315 of the
 31 Criminal Law Article, consents in writing, order probation for a time longer than the
 32 sentence that was imposed on the defendant, but not longer than[:

33 1. 10] 20 years [if the probation is ordered by a circuit court;

34 or

35 2. 6 years if the probation is ordered by the District Court].

1 (b) (1) For the purpose of making restitution, the court may extend the
2 probation beyond the time allowed under subsection (a)(3)(i) of this section for:

3 (i) an additional 5 years if the probation is ordered by a circuit
4 court; or

5 (ii) an additional 3 years if the probation is ordered by the District
6 Court.

7 (2) An extension of probation under this subsection may be unsupervised
8 or supervised by the Division of Parole and Probation.

9 (c) The court may extend the probation beyond the time allowed under
10 subsection (b) of this section if:

11 (1) the defendant consents in writing; and

12 (2) the extension is only for making restitution.

13 (D) IF A COURT SUSPENDS ALL OR PART OF THE SENTENCE OF A DEFENDANT
14 CONVICTED OF A VIOLATION OF § 3-303(B) OR (C) OR § 3-305(B) OR (C) OF THE
15 CRIMINAL LAW ARTICLE, THE COURT SHALL ORDER PROBATION FOR THE LIFE OF
16 THE DEFENDANT.

17 (E) AS A CONDITION OF PROBATION FOR A DEFENDANT GRANTED PROBATION
18 UNDER SUBSECTION (A)(3)(II) OR (D) OF THIS SECTION, AFTER CONSIDERATION OF A
19 VICTIM IMPACT STATEMENT AND ANY STATEMENT MADE BY A VICTIM, THE COURT
20 SHALL DETERMINE ON THE RECORD WHETHER IT IS NECESSARY TO PROTECT THE
21 VICTIM OR THE PUBLIC BY ORDERING AS A CONDITION OF PROBATION:

22 (1) SUPERVISION BY ELECTRONIC MONITORING, WHICH MAY INCLUDE
23 A DETERMINATION BY THE DIVISION OF PAROLE AND PROBATION THAT
24 MONITORING BY A GLOBAL POSITIONING SATELLITE SYSTEM OR OTHER SIMILAR
25 TECHNOLOGY IS REQUIRED;

26 (2) PERIODIC POLYGRAPH EXAMINATIONS; AND

27 (3) THAT THE DEFENDANT NOT RESIDE OR WORK WITHIN 500 FEET OF
28 THE REAL PROPERTY ON WHICH A PUBLIC OR NONPUBLIC ELEMENTARY OR
29 SECONDARY SCHOOL IS LOCATED.

30 10-215.

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

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

34 (2) an arrest;

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

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

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

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

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

8 11-701.

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, §§ 3-309 THROUGH 3-312, §
13 3-315, OR §§ 3-321 THROUGH 3-324 of the Criminal Law Article for a crime involving a
14 child under the age of 15 years;

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

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

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

24 (J) "STATE REGISTRY" MEANS THE REGISTRY MAINTAINED BY THE
25 DEPARTMENT UNDER THIS SUBTITLE.

26 11-704.

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

29 (1) a child sexual offender;

30 (2) an offender;

31 (3) a sexually violent offender;

32 (4) a sexually violent predator;

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

4 (6) an offender, sexually violent offender, or sexually violent predator
5 who, before moving into this State, was required to register in another state or by a
6 federal, military, or Native American tribal court for a crime that occurred before July
7 1, 1997; or

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

11 (i) to carry on employment;

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

15 (iii) as a transient.

16 11-705.

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

19 (1) is released;

20 (2) is granted probation;

21 (3) is granted a suspended sentence; or

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

23 (B) A SUPERVISING AUTHORITY SHALL:

24 (1) OBTAIN FROM A REGISTRANT THE INFORMATION REQUIRED UNDER
25 § 11-706 OF THIS SUBTITLE;

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

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

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

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

3 (i) is released;

4 (ii) is granted probation before judgment;

5 (iii) is granted probation after judgment;

6 (iv) is granted a suspended sentence; or

7 (v) receives a sentence that does not include a term of
8 imprisonment;

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

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

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

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

14 (i) begins employment in the State;

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

16 (iii) enters the State as a transient.

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

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

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

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

26 (II) IS EMPLOYED IN THE STATE.

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

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

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

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

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

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

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

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

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

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

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

29 11-707.

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

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

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

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

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

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

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

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

18 (4) The term of registration is:

19 (i) 10 years; or

20 (ii) life, if:

21 1. the registrant is a sexually violent predator;

22 2. the registrant has been convicted of a sexually violent
23 offense;

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

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

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

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

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

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

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

5 11-708.

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

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

24 (V) THE REQUIREMENTS OF § 11-722 OF THIS SUBTITLE
25 REGARDING PROHIBITIONS ON ENTERING ON THE REAL PROPERTY WHICH IS USED
26 FOR ELEMENTARY OR SECONDARY EDUCATION, A REGISTERED FAMILY DAY CARE
27 HOME, A LICENSED CHILD CARE HOME, OR A LICENSED CHILD CARE INSTITUTION;
28 AND

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

32 (b) (1) The [supervising authority] LOCAL LAW ENFORCEMENT UNIT shall
33 obtain a photograph and fingerprints of the registrant and attach the photograph and
34 fingerprints to the registration statement.

35 (2) FOR A REGISTRANT WHO HAS NOT SUBMITTED A DNA SAMPLE, AS
36 DEFINED IN § 2-501 OF THE PUBLIC SAFETY ARTICLE, FOR INCLUSION IN THE

1 STATEWIDE DNA DATABASE SYSTEM OF THE DEPARTMENT OF STATE POLICE CRIME
2 LABORATORY A LOCAL LAW ENFORCEMENT UNIT SHALL:

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

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

7 (c) (1) [Within 5 days after obtaining a registration statement, the
8 supervising authority shall send a copy of the registration statement with the
9 attached fingerprints and photograph of the registrant to the local law enforcement
10 unit in the county where the registrant will reside or where a registrant who is not a
11 resident is a transient or will work or attend school.

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

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

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

27 11-709.

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

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

39 (2) As soon as possible but not later than 5 working days after receiving
40 notice from the local law enforcement unit under paragraph (1) of this subsection, the

1 county superintendent shall send written notice of the registration statement to
2 principals of the schools under the superintendent's supervision that the
3 superintendent considers necessary to protect the students of a school from a child
4 sexual offender.

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

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

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

13 [11-711.

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

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

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

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

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

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

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

28 11-712.

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

32 (1) the local law enforcement unit in the jurisdiction where the
33 registrant resided before the registrant was committed to the custody of the
34 supervising authority; and

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

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

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

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

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

12 11-713.

13 The Department:

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

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

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

22 11-715.

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

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

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

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

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

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

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

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

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

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

6 (c) [A supervising authority] THE STATE REGISTRY shall send a notice
7 required under subsection (a)(2) of this section [or § 11-712(a)(2) or (b)(2) of this
8 subtitle] to the last address given to the [supervising authority] STATE REGISTRY.
9 11-721.

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

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

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

19 11-722.

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

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

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

27 (2) WITH THE SPECIFIC WRITTEN PERMISSION OF:

28 (I) THE SUPERINTENDENT OF SCHOOLS, THE LOCAL SCHOOL
29 BOARD, OR THE PRINCIPAL OF THE SCHOOL; OR

30 (II) THE OWNER OR OPERATOR OF THE REGISTERED FAMILY DAY
31 CARE HOME, LICENSED CHILD CARE HOME, OR LICENSED CHILD CARE INSTITUTION;
32 OR

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

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

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

3 (2) ON WHICH IS LOCATED:

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

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

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

11 **Article - Courts and Judicial Proceedings**

12 4-301.

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

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

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

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

20 4-302.

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

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

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

30 (ii) That is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9),
31 (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), [and] (22), AND (23) of
32 this subtitle.

1 **Article - Public Safety**2 **SUBTITLE 4. SEXUAL OFFENDER ADVISORY BOARD.**

3 1-401.

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

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

7 (1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE
8 PRESIDENT OF THE SENATE;9 (2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE
10 SPEAKER OF THE HOUSE;11 (3) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES,
12 OR THE SECRETARY'S DESIGNEE;13 (4) THE DIRECTOR OF THE DIVISION OF PAROLE AND PROBATION, OR
14 THE DIRECTOR'S DESIGNEE;15 (5) THE CHAIRMAN OF THE MARYLAND PAROLE COMMISSION, OR THE
16 CHAIRMAN'S DESIGNEE;17 (6) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE
18 SECRETARY'S DESIGNEE;19 (7) THE EXECUTIVE DIRECTOR OF THE MENTAL HYGIENE
20 ADMINISTRATION OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, OR THE
21 EXECUTIVE DIRECTOR'S DESIGNEE;22 (8) THE SECRETARY OF STATE POLICE, OR THE SECRETARY'S DESIGNEE;
23 AND

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

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

26 (II) A HEALTH CARE PROFESSIONAL WITH EXPERTISE IN MENTAL
27 DISORDERS;

28 (III) A STATE'S ATTORNEY;

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

30 (V) TWO CITIZEN MEMBERS.

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

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

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

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

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

11 (D) A BOARD MEMBER:

12 (1) MAY NOT RECEIVE COMPENSATION FOR SERVING ON THE BOARD;
13 BUT

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

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

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

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

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

22 (G) THE BOARD SHALL:

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

24 (2) REVIEW THE EFFECTIVENESS OF THE STATE'S LAWS CONCERNING
25 SEXUAL OFFENDERS;

26 (3) REVIEW THE LAWS OF OTHER STATES AND JURISDICTIONS
27 CONCERNING SEXUAL OFFENDERS;

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

31 (5) REVIEW DEVELOPMENTS IN THE TREATMENT AND ASSESSMENT OF
32 SEXUAL OFFENDERS.

33 (H) ON OR BEFORE DECEMBER 31, 2008, AND EVERY YEAR THEREAFTER THE
34 BOARD SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR

1 AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE
2 GENERAL ASSEMBLY.

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

5 (J) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
6 AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL PROVIDE STAFF
7 TO THE BOARD.

8 2-504.

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

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

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

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

- 20 (1) One member of the public in 2007;
- 21 (2) The member of the victim's advocacy group in 2007;
- 22 (3) The health care professional with expertise in mental disorders in
23 2008;
- 24 (4) One member of the public in 2008;
- 25 (5) The lawyer with expertise in criminal defense in 2009; and
- 26 (6) The State's Attorney in 2009.

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

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

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