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Quinter, and Sophocleus**

Introduced and read first time: June 14, 2006

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of authorizing the Maryland Parole Commission to administer
4 certain extended sexual offender parole supervision; prohibiting certain sexual
5 acts involving children who are under a certain age; requiring a court to impose
6 a certain sentence for certain offenses under certain circumstances; establishing
7 certain penalties; prohibiting the Commission from granting credit for time
8 between release on parole and revocation of parole for certain sexual offenders
9 under certain circumstances; providing that the jurisdiction of the District
10 Court is concurrent with the jurisdiction of the circuit court in certain criminal
11 cases involving registration of certain offenders; establishing that the initial
12 registration of an individual relating to certain sexual offenses and offenses
13 involving children is a reportable offense for certain criminal records purposes;
14 establishing that all persons subject to certain registration requirements must
15 register in person every 3 months; requiring that certain registrations include a
16 photograph that shall be updated at least once each year; repealing certain
17 dates before which certain registrants are required to register; increasing the
18 term of registration of certain registrants; requiring a certain supervising
19 authority to obtain a DNA sample from a certain registrant under certain
20 circumstances; altering certain time periods for certain notification
21 requirements; requiring a local law enforcement unit to provide a certain notice
22 to a certain county superintendent and certain nonpublic schools of a change of
23 address of a certain sexual offender within a certain time period; requiring a
24 local law enforcement unit to provide a certain notice to a certain police
25 department of a certain change of address of a certain sexual offender within a
26 certain time period; requiring a certain police department to provide a certain
27 notice to a certain commander of a local police precinct or district within a
28 certain time period; requiring a local law enforcement unit to send a copy of a
29 certain notice to a certain commander of a local police precinct or district within
30 a certain time period; authorizing a local law enforcement unit to send a certain
31 notice to certain organizations that serve children and other individuals
32 vulnerable to certain offenders; repealing the requirement that the Department
33 of Public Safety and Correctional Services annually mail a certain verification
34 form; repealing the requirement that a local law enforcement unit mail a certain

1 verification form every 90 days; requiring the Department to reimburse a local
2 law enforcement unit for the costs of certain community notification; requiring
3 certain registration statements to include a certain description of the crime that
4 is the basis for the registration of a certain offender; requiring the Department,
5 through a certain Internet posting of current registrants, to allow the public to
6 electronically transmit certain information to the Department, to certain parole
7 and probation agents, and to local law enforcement units; requiring the
8 Department to allow certain members of the public, by request, to receive
9 electronic mail notification of the release and registration information of certain
10 offenders; authorizing the Department or a local law enforcement unit to
11 provide certain information to a certain person under certain circumstances;
12 requiring the Department to adopt certain regulations; altering the
13 classification of the crime from a misdemeanor to a felony and increasing the
14 maximum penalties for a person convicted of knowingly failing to register as an
15 offender for certain crimes, knowingly failing to provide a certain written notice
16 to the Department, and knowingly providing false information of a material fact
17 on a certain registration statement; prohibiting certain registrants from
18 entering the real property of certain schools, day care homes, child care homes,
19 or child care institutions under certain circumstances; establishing certain
20 penalties; requiring a sentence for a certain category of sexual offender to
21 include a term of extended sexual offender parole supervision; creating certain
22 exceptions; giving a certain judge discretion to impose a term of extended sexual
23 offender parole supervision for a certain category of sexual offender; requiring
24 that a term of extended sexual offender parole supervision have a certain
25 minimum and a possible certain maximum period and commence at the
26 expiration of a certain term; requiring a judge to state on the record at a certain
27 time that a certain defendant's sentence shall include a term of extended sexual
28 offender parole supervision; requiring that the Commission enter into and sign
29 certain extended sexual offender parole supervision agreements that set out
30 certain conditions and are based on a certain risk assessment and classification;
31 requiring the Commission to hear and adjudicate certain cases; authorizing the
32 Commission to impose certain sanctions on certain registrants; providing that
33 imprisonment for a certain violation is not subject to diminution credits;
34 authorizing certain specific conditions of extended sexual offender parole
35 supervision agreements; requiring the Commission to hear and adjudicate a
36 certain petition for discharge from extended sexual offender parole supervision;
37 authorizing a certain registrant to petition for discharge after serving a certain
38 period of extended supervision; authorizing a registrant whose petition for
39 discharge is denied to petition for discharge again after a certain period;
40 requiring a certain petition for discharge to include a certain risk assessment of
41 a registrant and a recommendation from a certain sexual offender management
42 team; prohibiting the Commission from discharging a registrant from certain
43 supervision unless the Commission determines that the registrant no longer
44 poses an unacceptable risk to community safety; requiring the Commission to,
45 by regulation, establish certain notice and hearing procedures; providing that
46 the Commission has certain powers for the purpose of carrying out certain
47 duties; requiring the Commission to appoint a certain administrator; providing
48 that participation in a certain treatment program shall not prohibit a convicted

1 individual from continuing to maintain a certain innocence; requiring that a
2 sexual offender parole supervision be conducted by a sexual offender
3 management team under the supervision of the Division of Parole and
4 Probation; requiring a sexual offender management team to be composed of a
5 certain parole and probation agent, sexual offender treatment provider, and law
6 enforcement representative; authorizing a sexual offender management team to
7 include certain other persons; requiring a sexual offender management team to
8 submit certain progress reports on certain registrants at certain intervals;
9 requiring a sexual offender management team to provide a copy of a certain
10 progress report to a certain local law enforcement unit; establishing a Sexual
11 Offender Advisory Board; providing for the membership, appointment, terms,
12 staggering of terms, reimbursements, chairman, quorum and meeting
13 requirements, duties, and staffing of the Board; requiring certain units of
14 government to cooperate with the Board; requiring the Commission, with the
15 advice of the Board, to adopt certain regulations; defining certain terms;
16 altering certain definitions; specifying the terms of the initial members of the
17 Board; providing for the effective date of this Act; and generally relating to the
18 supervision of, notification concerning, and penalties for sexual offenders.

19 BY repealing and reenacting, without amendments,
20 Article - Correctional Services
21 Section 7-205
22 Annotated Code of Maryland
23 (1999 Volume and 2005 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article - Correctional Services
26 Section 7-206 and 7-401(d)
27 Annotated Code of Maryland
28 (1999 Volume and 2005 Supplement)

29 BY repealing and reenacting, with amendments,
30 Article - Courts and Judicial Proceedings
31 Section 4-301(b)(21) and (22) and 4-302(a) and (d)(1)
32 Annotated Code of Maryland
33 (2002 Replacement Volume and 2005 Supplement)

34 BY adding to
35 Article - Courts and Judicial Proceedings
36 Section 4-301(b)(23)
37 Annotated Code of Maryland
38 (2002 Replacement Volume and 2005 Supplement)

39 BY repealing and reenacting, with amendments,
40 Article - Criminal Law

1 Section 3-303 through 3-306 and 3-309 through 3-312
2 Annotated Code of Maryland
3 (2002 Volume and 2005 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article - Criminal Procedure
6 Section 10-215(a), 11-701, 11-707, 11-708(b), 11-709, 11-713, 11-717, 11-718,
7 and 11-721
8 Annotated Code of Maryland
9 (2001 Volume and 2005 Supplement)

10 BY repealing
11 Article - Criminal Procedure
12 Section 11-711
13 Annotated Code of Maryland
14 (2001 Replacement Volume and 2005 Supplement)

15 BY adding to
16 Article - Criminal Procedure
17 Section 11-722 through 11-726
18 Annotated Code of Maryland
19 (2001 Volume and 2005 Supplement)

20 BY adding to
21 Article - Public Safety
22 Section 1-401 to be under the new subtitle "Subtitle 4. Sexual Offender Advisory
23 Board"
24 Annotated Code of Maryland
25 (2003 Volume and 2005 Supplement)

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

28 **Article - Correctional Services**

29 7-205.

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

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

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

35 (3) hear cases for parole in which:

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

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

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

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

10 7-206.

11 The Commission shall:

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

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

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

18 (i) concerning parole of an inmate under a sentence of life
19 imprisonment; and

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

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

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

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

30 7-401.

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

20 4-301.

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

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

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

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

28 4-302.

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

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

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

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

9 **Article - Criminal Law**

10 3-303.

11 (a) A person may not:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 3-304.

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

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

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

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

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

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

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

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

1 3-305.

2 (a) A person may not:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 3-306.

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

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

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

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

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

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

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

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

27 3-309.

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

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

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

34 (2) (I) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS
35 GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT

1 LESS THAN 25 YEARS AND NOT EXCEEDING LIFE WITHOUT THE POSSIBILITY OF
2 PAROLE.

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

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

9 3-310.

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

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

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

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

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

21 3-311.

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

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

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

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

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

34 (D) IF THE STATE INTENDS TO SEEK A SENTENCE OF IMPRISONMENT OF A
35 PERSON FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE UNDER SUBSECTION (C)(2)

1 OF THIS SECTION, THE STATE SHALL NOTIFY THE PERSON IN WRITING OF THE
2 STATE'S INTENTION AT LEAST 30 DAYS BEFORE TRIAL.

3 3-312.

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

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

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

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

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

15 **Article - Criminal Procedure**

16 10-215.

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

- 19 (1) the issuance or withdrawal of an arrest warrant;
- 20 (2) an arrest;
- 21 (3) the release of a person after arrest without the filing of a charge;
- 22 (4) the filing of a charging document;
- 23 (5) a release pending trial or an appeal;
- 24 (6) a commitment to an institution of pretrial detention;
- 25 (7) the dismissal of an indictment or criminal information;
- 26 (8) a nolle prosequi;
- 27 (9) the marking of a charge "stet" on the docket;
- 28 (10) an acquittal, conviction, verdict of not criminally responsible, or any
29 other disposition of a case at or following trial, including a finding of probation before
30 judgment;
- 31 (11) the imposition of a sentence;

1 (12) a commitment to a State correctional facility or local correctional
2 facility;

3 (13) a commitment to the Department of Health and Mental Hygiene
4 under § 3-105 or § 3-111 of this article as incompetent to stand trial or not criminally
5 responsible;

6 (14) a release from detention or confinement;

7 (15) a conditional release, revocation of conditional release, or discharge
8 of a person committed to the Department of Health and Mental Hygiene under §
9 3-105 or § 3-111 of this article as incompetent to stand trial or not criminally
10 responsible;

11 (16) an escape from confinement or commitment;

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

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

15 (19) a judgment of an appellate court;

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

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

19 (i) if the child is at least 14 years old, for an act described in §
20 3-8A-03(d)(1) of the Courts Article; or

21 (ii) if the child is at least 16 years old, for an act described in §
22 3-8A-03(d)(4) or (5) of the Courts Article;

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

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

27 [(23)] (24) any other event arising out of or occurring during the course of
28 a criminal proceeding that the Secretary by regulation or the Court of Appeals by rule
29 makes a reportable event.

30 11-701.

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

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

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

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

2 (2) has been convicted of violating any of the provisions of [the rape or
3 sexual offense statutes under] §§ 3-303 through [3-307] 3-307, §§ 3-309 THROUGH
4 3-312, § 3-315, OR §§ 3-321 THROUGH 3-324 of the Criminal Law Article for a crime
5 involving a child under the age of 15 years;

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

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

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

14 [(b-1)] (B-2) "Employment" means an occupation, job, or vocation that is full
15 time or part time for a period exceeding 14 days or for an aggregate period exceeding
16 30 days during a calendar year, whether financially compensated, volunteered, or for
17 the purpose of government or educational benefit.

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

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

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

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

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

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

31 (5) has been convicted of violating the child pornography statute under §
32 11-207 of the Criminal Law Article;

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

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

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

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

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

10 (2) "Release" means:

11 (i) release on parole;

12 (ii) mandatory supervision release;

13 (iii) release from a correctional facility with no required period of
14 supervision;

15 (iv) work release;

16 (v) placement on home detention; and

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

19 (3) "Release" does not include:

20 (i) an escape; or

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

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

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

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

25 (g) "Sexually violent offense" means:

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

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

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

4 (h) "Sexually violent predator" means:

5 (1) a person who:

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

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

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

12 (i) "Supervising authority" means:

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

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

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

21 (4) the Director of the Patuxent Institution, if the registrant is in the
22 custody of the Patuxent Institution;

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

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

28 (7) the Secretary, if the registrant is in the State under terms and
29 conditions of the Interstate Compact for Adult Offender Supervision, set forth in Title
30 6, Subtitle 2 of the Correctional Services Article, or the Interstate Corrections
31 Compact, set forth in Title 8, Subtitle 6 of the Correctional Services Article;

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

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

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

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

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

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

13 11-707.

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

17 (ii) [Each registration shall include a new photograph.]
18 REGISTRATION SHALL INCLUDE A PHOTOGRAPH THAT SHALL BE UPDATED AT LEAST
19 ONCE EACH YEAR.

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

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

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

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

32 (4) The term of registration is:

33 (i) [10] 20 years; or

34 (ii) life, if:

35 1. the registrant is a sexually violent predator;

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

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

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

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

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

12 (1) the last date of release;

13 (2) the date granted probation; or

14 (3) the date granted a suspended sentence.

15 11-708.

16 (b) (1) The supervising authority shall obtain a photograph and fingerprints
17 of the registrant and attach the photograph and fingerprints to the registration
18 statement.

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

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

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

27 11-709.

28 (a) (1) [Each year] EVERY 3 MONTHS, within 5 days after a child sexual
29 offender OR SEXUALLY VIOLENT PREDATOR completes the registration requirements
30 of § 11-707(a) of this subtitle, a local law enforcement unit shall send notice of the
31 child sexual offender's OR SEXUALLY VIOLENT PREDATOR'S annual registration[,
32 including the photograph,] to the Department.

33 (2) EACH YEAR, A LOCAL LAW ENFORCEMENT UNIT SHALL SEND A
34 CHILD SEXUAL OFFENDER'S AND SEXUALLY VIOLENT PREDATOR'S UPDATED
35 PHOTOGRAPH TO THE DEPARTMENT WITHIN 6 DAYS AFTER THE PHOTOGRAPH IS
36 SUBMITTED.

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

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

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

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

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

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

23 (D) AS SOON AS POSSIBLE BUT NOT LATER THAN 10 WORKING DAYS AFTER
24 RECEIVING NOTICE FROM A LOCAL LAW ENFORCEMENT UNIT UNDER THIS SECTION,
25 A POLICE DEPARTMENT OF A MUNICIPAL CORPORATION SHALL SEND A COPY OF THE
26 NOTICE TO THE COMMANDER OF THE LOCAL POLICE PRECINCT OR DISTRICT IN
27 WHICH THE CHILD SEXUAL OFFENDER IS TO RESIDE OR WHERE A CHILD SEXUAL
28 OFFENDER WHO IS NOT A RESIDENT OF THE STATE IS A TRANSIENT OR WILL WORK
29 OR ATTEND SCHOOL.

30 (E) AS SOON AS POSSIBLE BUT NOT LATER THAN 10 WORKING DAYS AFTER
31 RECEIVING A NOTICE FROM A SUPERVISING AUTHORITY UNDER THIS SUBTITLE, A
32 LOCAL LAW ENFORCEMENT UNIT SHALL SEND A COPY OF THE NOTICE TO THE
33 COMMANDER OF THE LAW ENFORCEMENT UNIT IN THE DISTRICT OR AREA IN WHICH
34 THE CHILD SEXUAL OFFENDER IS TO RESIDE OR WHERE A CHILD SEXUAL OFFENDER
35 WHO IS NOT A RESIDENT OF THE STATE IS A TRANSIENT OR WILL WORK OR ATTEND
36 SCHOOL.

37 (F) A LOCAL LAW ENFORCEMENT UNIT MAY NOTIFY THE FOLLOWING
38 ENTITIES THAT ARE LOCATED WITHIN THE COMMUNITY IN WHICH A CHILD SEXUAL
39 OFFENDER IS TO RESIDE OR WHERE A CHILD SEXUAL OFFENDER WHO IS NOT A
40 RESIDENT OF THE STATE IS A TRANSIENT OR WILL WORK OR ATTEND SCHOOL OF
41 THE FILING OF A REGISTRATION STATEMENT OR NOTICE OF CHANGE OF ADDRESS
42 BY THE CHILD SEXUAL OFFENDER:

- 1 (1) FAMILY DAY CARE HOMES OR CHILD CARE CENTERS REGISTERED OR
2 LICENSED UNDER TITLE 5, SUBTITLE 5 OF THE FAMILY LAW ARTICLE;
- 3 (2) CHILD RECREATION FACILITIES;
- 4 (3) FAITH INSTITUTIONS; AND
- 5 (4) OTHER ORGANIZATIONS THAT SERVE CHILDREN AND OTHER
6 INDIVIDUALS VULNERABLE TO CHILD SEXUAL OFFENDERS.

7 [11-711.

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

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

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

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

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

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

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

22 11-713.

23 The Department:

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

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

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

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

1 11-717.

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

4 (2) INFORMATION ABOUT REGISTRATION STATEMENTS SHALL
5 INCLUDE, IN PLAIN LANGUAGE THAT CAN BE UNDERSTOOD WITHOUT SPECIAL
6 KNOWLEDGE OF THE CRIMINAL LAWS OF THE STATE, A DESCRIPTION OF THE CRIME
7 OF THE OFFENDER THAT IS THE BASIS FOR THE REGISTRATION, EXCLUDING DETAIL
8 THAT WOULD IDENTIFY THE VICTIM.

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

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

18 (D) THE DEPARTMENT SHALL ALLOW MEMBERS OF THE PUBLIC WHO LIVE IN
19 THE COUNTY IN WHICH THE REGISTRANT IS TO RESIDE OR WHERE THE REGISTRANT,
20 IF NOT A RESIDENT OF THE STATE, IS A TRANSIENT OR WILL WORK OR ATTEND
21 SCHOOL, BY REQUEST, TO RECEIVE ELECTRONIC MAIL NOTIFICATION OF THE
22 RELEASE FROM INCARCERATION OF A REGISTERED OFFENDER AND THE
23 REGISTRATION INFORMATION OF THE OFFENDER.

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

25 11-718.

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

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

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

37 (2) IN ADDITION TO THE PROCEDURES SPECIFIED IN § 11-709 OF THIS
38 SUBTITLE, A LOCAL LAW ENFORCEMENT UNIT MAY PROVIDE NOTIFICATION BY ANY
39 OTHER METHOD IT CONSIDERS APPROPRIATE.

1 (3) THE DEPARTMENT SHALL ADOPT REGULATIONS REGARDING THE
2 FACTORS A LOCAL LAW ENFORCEMENT UNIT SHALL CONSIDER IN DETERMINING
3 THE SCOPE AND MANNER OF NOTIFICATION THAT SHALL BEST SERVE THE
4 INTERESTS OF JUSTICE, COMMUNITY SAFETY, AND AVAILABILITY OF RESOURCES TO
5 LOCAL LAW ENFORCEMENT UNITS.

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 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] \$10,000 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) THIS SECTION DOES NOT APPLY TO A REGISTRANT WHO ENTERS REAL
21 PROPERTY:

22 (1) ON WHICH THE REGISTRANT IS A STUDENT OR THE REGISTRANT'S
23 CHILD IS A STUDENT OR RECEIVES CHILD CARE, IF:

24 (I) WITHIN THE PAST YEAR, THE REGISTRANT HAS BEEN GIVEN
25 THE SPECIFIC WRITTEN PERMISSION OF THE SUPERINTENDENT OF SCHOOLS, THE
26 LOCAL SCHOOL BOARD, THE PRINCIPAL OF THE SCHOOL, OR THE OWNER OR
27 OPERATOR OF THE REGISTERED FAMILY DAY CARE HOME, LICENSED CHILD CARE
28 HOME, OR LICENSED CHILD CARE INSTITUTION, AS APPLICABLE; AND

29 (II) THE REGISTRANT PROMPTLY NOTIFIES AN AGENT OR
30 EMPLOYEE OF THE SCHOOL, HOME, OR INSTITUTION OF THE REGISTRANT'S
31 PRESENCE AND PURPOSE OF VISIT; OR

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

35 (B) 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 (C) 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 11-723.

12 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A SENTENCE
13 FOR A DEFENDANT FOR A VIOLATION THAT REQUIRES THE DEFENDANT TO
14 REGISTER AS A SEX OFFENDER FOR A TERM OF LIFE UNDER § 11-707 OF THIS
15 SUBTITLE SHALL INCLUDE A TERM OF EXTENDED SEXUAL OFFENDER PAROLE
16 SUPERVISION.

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

20 (2) THE SENTENCING JUDGE SHALL HAVE DISCRETION TO IMPOSE A
21 TERM OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION IN THE CASE OF A
22 DEFENDANT WHO IS REQUIRED TO REGISTER AS A SEXUAL OFFENDER FOR LIFE
23 BECAUSE THE DEFENDANT HAS BEEN CONVICTED ONCE FOR A THIRD DEGREE
24 SEXUAL OFFENSE, BASED UPON THE DEFENDANT'S VIOLATION OF THE PROHIBITION
25 AGAINST:

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

29 (II) ENGAGING IN A SEXUAL ACT WITH ANOTHER IF THE VICTIM IS
30 14 OR 15 YEARS OLD, AND THE PERSON PERFORMING THE SEXUAL ACT IS AT LEAST 21
31 YEARS OLD; OR

32 (III) ENGAGING IN VAGINAL INTERCOURSE WITH ANOTHER IF THE
33 VICTIM IS 14 OR 15 YEARS OLD, AND THE PERSON PERFORMING THE ACT IS AT LEAST
34 21 YEARS OLD.

35 (C) THE TERM OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION FOR
36 A DEFENDANT SENTENCED ON OR AFTER JUNE 1, 2007, SHALL:

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

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

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

6 11-724.

7 (A) THE MARYLAND PAROLE COMMISSION SHALL:

8 (1) ENTER INTO AND SIGN EXTENDED SEXUAL OFFENDER PAROLE
9 SUPERVISION AGREEMENTS WITH REGISTRANTS SENTENCED TO SUPERVISION
10 UNDER § 11-723 OF THIS SUBTITLE THAT SET OUT SPECIFIC CONDITIONS OF
11 SUPERVISION, WHICH SHALL:

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

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

16 (2) HEAR AND ADJUDICATE CASES OF EXTENDED SEXUAL OFFENDER
17 PAROLE SUPERVISION VIOLATIONS; AND

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

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

23 (C) SPECIFIC CONDITIONS OF EXTENDED SEXUAL OFFENDER PAROLE
24 SUPERVISION MAY INCLUDE:

25 (1) MONITORING A REGISTRANT THROUGH GLOBAL POSITIONING
26 SATELLITE TRACKING TECHNOLOGY;

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

31 (3) RESTRICTING A REGISTRANT FROM OBTAINING SPECIFIC
32 EMPLOYMENT OR FROM PARTICIPATING IN A SPECIFIC ACTIVITY THAT WOULD
33 BRING THE REGISTRANT INTO CONTACT WITH MINORS;

34 (4) REQUIRING A REGISTRANT TO PARTICIPATE IN A CERTIFIED SEXUAL
35 OFFENDER TREATMENT PROGRAM;

1 (5) PROHIBITING A REGISTRANT FROM USING ILLICIT DRUGS OR
2 ABUSING ALCOHOL;

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

6 (7) REQUIRING A REGISTRANT TO TAKE POLYGRAPH EXAMINATIONS;
7 AND

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

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

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

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

18 (4) A PETITION FOR DISCHARGE SHALL INCLUDE:

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

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

24 (5) THE COMMISSION MAY NOT DISCHARGE A REGISTRANT FROM
25 EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION UNLESS THE COMMISSION
26 DETERMINES THAT THE PETITIONER NO LONGER POSES AN UNACCEPTABLE RISK TO
27 COMMUNITY SAFETY.

28 (E) THE COMMISSION SHALL HAVE ALL OF THE POWERS SET FORTH IN §§
29 7-205 AND 7-206 OF THE CORRECTIONAL SERVICES ARTICLE FOR THE PURPOSE OF
30 CARRYING OUT THE DUTIES OF THE COMMISSION UNDER THIS SUBTITLE.

31 (F) THE COMMISSION SHALL APPOINT AN ADMINISTRATOR TO COORDINATE
32 THE REQUIREMENTS OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION
33 UNDER THIS SUBTITLE.

34 (G) PARTICIPATION IN A CERTIFIED SEXUAL OFFENDER TREATMENT
35 PROGRAM DOES NOT PROHIBIT A CONVICTED INDIVIDUAL FROM CONTINUING TO
36 MAINTAIN A CONSISTENTLY PROCLAIMED INNOCENCE.

1 (H) BY REGULATION, THE COMMISSION SHALL ESTABLISH
2 CONSTITUTIONALLY COMPLIANT NOTICE AND HEARING PROCEDURES APPLICABLE
3 TO THE IMPOSITION OF SANCTIONS FOR EXTENDED SEXUAL OFFENDER PAROLE
4 SUPERVISION VIOLATIONS AND PETITIONS FOR DISCHARGE FROM EXTENDED
5 SEXUAL OFFENDER PAROLE SUPERVISION.

6 11-725.

7 (A) UNDER THE SUPERVISION OF THE DIVISION OF PAROLE AND PROBATION,
8 A SEXUAL OFFENDER MANAGEMENT TEAM SHALL CONDUCT EXTENDED SEXUAL
9 OFFENDER PAROLE SUPERVISION AND THE SUPERVISION OF PROBATION, PAROLE,
10 OR MANDATORY RELEASE OF A REGISTRANT SUBJECT TO EXTENDED SEXUAL
11 OFFENDER PAROLE SUPERVISION.

12 (B) A SEXUAL OFFENDER MANAGEMENT TEAM:

13 (1) CONSISTS OF:

14 (I) A SPECIALLY TRAINED PAROLE AND PROBATION AGENT;

15 (II) A REPRESENTATIVE OF A CERTIFIED SEX OFFENDER
16 TREATMENT PROVIDER; AND

17 (III) A LAW ENFORCEMENT REPRESENTATIVE; AND

18 (2) MAY INCLUDE:

19 (I) VICTIM ADVOCATES;

20 (II) FAITH COUNSELORS;

21 (III) EMPLOYMENT COUNSELORS;

22 (IV) COMMUNITY LEADERS;

23 (V) A POLYGRAPHER; AND

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

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

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

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 § 11-724 OF THIS SUBTITLE.

6 **Article - Public Safety**

7 SUBTITLE 4. SEXUAL OFFENDER ADVISORY BOARD.

8 1-401.

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

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

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

14 (2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE
15 SPEAKER OF THE HOUSE;

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

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

20 (5) THE CHAIRMAN OF THE MARYLAND PAROLE COMMISSION, OR THE
21 CHAIRMAN'S DESIGNEE;

22 (6) THE EXECUTIVE DIRECTOR OF THE MENTAL HYGIENE
23 ADMINISTRATION OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, OR THE
24 EXECUTIVE DIRECTOR'S DESIGNEE;

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

26 (8) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S DESIGNEE;
27 AND

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

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

30 (II) A HEALTH CARE PROFESSIONAL WITH EXPERTISE IN MENTAL
31 DISORDERS;

- 1 (III) A STATE'S ATTORNEY;
- 2 (IV) A LAWYER WITH EXPERTISE IN CRIMINAL DEFENSE;
- 3 (V) A SEXUAL OFFENDER TREATMENT PROVIDER;
- 4 (VI) A POLYGRAPHER;
- 5 (VII) A REPRESENTATIVE OF A LOCAL LAW ENFORCEMENT UNIT;
- 6 AND
- 7 (VIII) TWO CITIZEN MEMBERS.
- 8 (C) (1) THE TERM OF A MEMBER APPOINTED BY THE GOVERNOR IS 4 YEARS.
- 9 (2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS
- 10 REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JUNE 1, 2007.
- 11 (3) AT THE END OF A TERM AN APPOINTED MEMBER CONTINUES TO
- 12 SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.
- 13 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
- 14 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
- 15 QUALIFIES.
- 16 (5) A MEMBER WHOSE TERM HAS EXPIRED MAY BE REAPPOINTED TO
- 17 THE BOARD.
- 18 (D) A BOARD MEMBER:
- 19 (1) MAY NOT RECEIVE COMPENSATION FOR SERVING ON THE BOARD;
- 20 BUT
- 21 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
- 22 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.
- 23 (E) THE GOVERNOR SHALL SELECT A CHAIRMAN FROM AMONG THE BOARD'S
- 24 MEMBERS.
- 25 (F) (1) A MAJORITY OF THE BOARD'S DULY APPOINTED MEMBERS
- 26 CONSTITUTES A QUORUM.
- 27 (2) THE BOARD MAY ADOPT RULES FOR CONDUCTING BUSINESS.
- 28 (3) THE BOARD SHALL MEET AT LEAST FOUR TIMES ANNUALLY AT THE
- 29 TIMES AND PLACES DETERMINED BY THE BOARD.
- 30 (G) THE BOARD SHALL:
- 31 (1) REVIEW TECHNOLOGY FOR THE TRACKING OF OFFENDERS;

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

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

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

8 (5) REVIEW DEVELOPMENTS IN THE TREATMENT AND ASSESSMENT OF
9 SEXUAL OFFENDERS; AND

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

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

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

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

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

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

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

29 (L) 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:

35 (1) One citizen member in 2008;

36 (2) The member of the victim's advocacy group in 2008;

- 1 (3) The health care professional with expertise in mental disorders in
2 2009;
- 3 (4) One citizen member in 2009;
- 4 (5) The sexual offender treatment provider in 2008;
- 5 (6) The lawyer with expertise in criminal defense in 2010;
- 6 (7) The representative of a local law enforcement unit in 2010;
- 7 (8) The State's Attorney in 2010; and
- 8 (9) The polygrapher in 2009.

9 SECTION 3. AND BE IT FURTHER ENACTED, That, if a registrant who was
10 required to register before June 1, 2007, has not submitted a DNA sample, as defined
11 in § 2-501 of the Public Safety Article, for inclusion in the statewide DNA database
12 system of the Department of State Police Crime Laboratory, a supervising authority
13 at the next registration of the registrant shall:

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

17 SECTION [3.] 4. AND BE IT FURTHER ENACTED, That this Act shall take
18 effect June 1, 2007.