

UNOFFICIAL COPY OF SENATE BILL 4
EMERGENCY BILL

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6lr0031
CF 6lr0041

By: **The President (By Request - Administration)**

Introduced and read first time: June 14, 2006

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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

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

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

1 management team to be composed of a certain parole and probation agent,
2 sexual offender treatment provider, and law enforcement representative;
3 authorizing a sexual offender management team to include certain other
4 persons; requiring a sexual offender management team to submit certain
5 progress reports on certain registrants at certain intervals; requiring a sexual
6 offender management team to provide a copy of a certain progress report to a
7 certain local law enforcement unit; establishing a Sexual Offender Advisory
8 Board; providing for the membership, appointment, terms, staggering of terms,
9 reimbursements, chair, quorum and meeting requirements, duties, and staffing
10 of the Board; requiring certain units of government to cooperate with the Board;
11 requiring the Commission, with the advice of the Board, to adopt certain
12 regulations; defining certain terms; altering certain definitions; specifying the
13 terms of the initial members of the Board; making this Act an emergency
14 measure; and generally relating to the supervision of, notifications concerning,
15 and penalties for sexual offenders.

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

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

26 BY repealing and reenacting, with amendments,
27 Article - Criminal Law
28 Section 3-303 through 3-306 and 3-309 through 3-312
29 Annotated Code of Maryland
30 (2002 Volume and 2005 Supplement)

31 BY repealing and reenacting, with amendments,
32 Article - Courts and Judicial Proceedings
33 Section 4-301(b)(21) and (22) and 4-302(a) and (d)(1)
34 Annotated Code of Maryland
35 (2002 Replacement Volume and 2005 Supplement)

36 BY adding to
37 Article - Courts and Judicial Proceedings
38 Section 4-301(b)(23)
39 Annotated Code of Maryland
40 (2002 Replacement Volume and 2005 Supplement)

1 BY repealing and reenacting, with amendments,
2 Article - Criminal Procedure
3 Section 10-215(a), 11-701, 11-704, 11-705, 11-707, 11-708(b), 11-709, 11-713,
4 11-717, 11-718, and 11-721
5 Annotated Code of Maryland
6 (2001 Volume and 2005 Supplement)

7 BY repealing
8 Article - Criminal Procedure
9 Section 11-711
10 Annotated Code of Maryland
11 (2001 Volume and 2005 Supplement)

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

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

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

25 **Article - Correctional Services**

26 7-205.

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

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

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

32 (3) hear cases for parole in which:

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

1 (ii) the inmate was convicted of a homicide;
2 (iii) the inmate is serving a sentence of life imprisonment; or
3 (iv) the parole hearing is open to the public under § 7-304 of this
4 title;

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

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

12 (7) hear cases of parole revocation; and

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

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

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

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

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

28 (1) issue subpoenas requiring the attendance and testimony of
29 witnesses;

30 (2) administer oaths; and

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.

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.

10 (II) AN INMATE MAY NOT RECEIVE CREDIT FOR TIME BETWEEN
11 RELEASE ON PAROLE OR MANDATORY SUPERVISION AND REVOCATION OF PAROLE
12 OR MANDATORY SUPERVISION IF:

17 2. THE PAROLE OR MANDATORY SUPERVISION WAS
18 REVOKED FOR A FINDING THAT THE INMATE HAD COMMITTED:

19 A. A VIOLENT CRIME;

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

22 C. A VIOLATION OF § 11-721 OR § 11-722 OF THE CRIMINAL
23 PROCEDURE ARTICLE.

Article - Criminal Law

25 3-303.

26 (a) A person may not:

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

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

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

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

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

7 (b) A person may not violate subsection (a) of this section while also violating
8 § 3-503(a)(2) of this title involving a victim who is a child under the age of 16 years.

9 (C) A PERSON AT LEAST 18 YEARS OLD MAY NOT VIOLATE OR ATTEMPT TO
10 VIOLATE SUBSECTION (A) OF THIS SECTION INVOLVING A VICTIM WHO IS UNDER THE
11 AGE OF 13 YEARS.

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

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

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

29 (III) EXCEPT AS PROVIDED IN § 4-305 OF THE CORRECTIONAL
30 SERVICES ARTICLE, A PERSON SENTENCED UNDER THIS PARAGRAPH IS NOT
31 ELIGIBLE FOR PAROLE IN LESS THAN 25 YEARS.

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

36 3-304.

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

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

2 (2) if the victim is a mentally defective individual, a mentally
3 incapacitated individual, or a physically helpless individual, and the person
4 performing the act knows or reasonably should know that the victim is a mentally
5 defective individual, a mentally incapacitated individual, or a physically helpless
6 individual; or

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

9 (B) A PERSON AT LEAST 18 YEARS OLD MAY NOT VIOLATE OR ATTEMPT TO
10 VIOLATE THIS SECTION INVOLVING A VICTIM WHO IS A CHILD UNDER THE AGE OF 13
11 YEARS.

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

15 (2) (I) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS
16 GUILTY OF THE FELONY OF RAPE IN THE SECOND DEGREE AND ON CONVICTION IS
17 SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 15 YEARS AND NOT EXCEEDING
18 LIFE.

19 (II) A COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY
20 MINIMUM SENTENCE OF 15 YEARS.

21 (III) EXCEPT AS PROVIDED IN § 4-305 OF THE CORRECTIONAL
22 SERVICES ARTICLE, A PERSON SENTENCED UNDER THIS PARAGRAPH IS NOT
23 ELIGIBLE FOR PAROLE IN LESS THAN 15 YEARS.

24 3-305.

25 (a) A person may not:

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

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

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

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

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

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

3 (b) A person may not violate subsection (a) of this section while also violating
4 § 3-503(a)(2) of this title involving a victim who is a child under the age of 16 years.

5 (C) A PERSON AT LEAST 18 YEARS OLD MAY NOT VIOLATE OR ATTEMPT TO
6 VIOLATE SUBSECTION (A) OF THIS SECTION INVOLVING A VICTIM WHO IS UNDER THE
7 AGE OF 13 YEARS.

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

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

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

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

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

25 (III) EXCEPT AS PROVIDED IN § 4-305 OF THE CORRECTIONAL
26 SERVICES ARTICLE, A PERSON SENTENCED UNDER THIS PARAGRAPH IS NOT
27 ELIGIBLE FOR PAROLE IN LESS THAN 25 YEARS.

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

32 3-306.

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

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

35 (2) if the victim is a mentally defective individual, a mentally
36 incapacitated individual, or a physically helpless individual, and the person
37 performing the sexual act knows or reasonably should know that the victim is a

1 mentally defective individual, a mentally incapacitated individual, or a physically
2 helpless individual; or

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

5 (B) A PERSON AT LEAST 18 YEARS OLD MAY NOT VIOLATE OR ATTEMPT TO
6 VIOLATE THIS SECTION INVOLVING A VICTIM WHO IS A CHILD UNDER THE AGE OF 13
7 YEARS.

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

12 (2) (I) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS
13 GUILTY OF THE FELONY OF SEXUAL OFFENSE IN THE SECOND DEGREE AND ON
14 CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 15 YEARS AND NOT
15 EXCEEDING LIFE.

16 (II) A COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY
17 MINIMUM SENTENCE OF 15 YEARS.

18 (III) EXCEPT AS PROVIDED IN § 4-305 OF THE CORRECTIONAL
19 SERVICES ARTICLE, A PERSON SENTENCED UNDER THIS PARAGRAPH IS NOT
20 ELIGIBLE FOR PAROLE IN LESS THAN 15 YEARS.

21 3-309.

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

23 (b) [A] SUBJECT TO THE PROVISIONS OF § 3-303 OF THIS SUBTITLE, A person
24 who violates this section is guilty of a felony and on conviction is subject to
25 imprisonment not exceeding life.

26 3-310.

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

28 (b) [A] SUBJECT TO THE PROVISIONS OF § 3-304 OF THIS SUBTITLE, A person
29 who violates this section is guilty of a felony and on conviction is subject to
30 imprisonment not exceeding 20 years.

31 3-311.

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

33 (b) [A] SUBJECT TO THE PROVISIONS OF § 3-305 OF THIS SUBTITLE, A person
34 who violates this section is guilty of a felony and on conviction is subject to
35 imprisonment not exceeding life.

1 3-312.

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

3 (b) [A] SUBJECT TO THE PROVISIONS OF § 3-306 OF THIS SUBTITLE, A person
4 who violates this section is guilty of a felony and on conviction is subject to
5 imprisonment not exceeding 20 years.

6 **Article - Courts and Judicial Proceedings**

7 4-301.

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

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

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

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

15 4-302.

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

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

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

25 (ii) That is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9),
26 (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), [and] (22), AND (23) of
27 this subtitle.

28 **Article - Criminal Procedure**

29 10-215.

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

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

33 (2) an arrest;

1 (ii) if the child is at least 16 years old, for an act described in §
2 3-8A-03(d)(4) or (5) of the Courts Article;

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

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

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

10 11-701.

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

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

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

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

15 (2) has been convicted of violating any of the provisions of [the rape or
16 sexual offense statutes under] §§ 3-303 through 3-307, §§ 3-309 THROUGH 3-312, §
17 3-315, OR §§ 3-321 THROUGH 3-324 of the Criminal Law Article for a crime involving a
18 child under the age of 15 years;

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

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

27 [(b-1)] (B-2) "Employment" means an occupation, job, or vocation that is full
28 time or part time for a period exceeding 14 days or for an aggregate period exceeding
29 30 days during a calendar year, whether financially compensated, volunteered, or for
30 the purpose of government or educational benefit.

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

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

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

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

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

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

9 (5) has been convicted of violating the child pornography statute under §
10 11-207 of the Criminal Law Article;

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

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

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

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

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

23 (2) "Release" means:

24 (i) release on parole;

25 (ii) mandatory supervision release;

26 (iii) release from a correctional facility with no required period of
27 supervision;

28 (iv) work release;

29 (v) placement on home detention; and

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

32 (3) "Release" does not include:

33 (i) an escape; or

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

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

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

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

5 (g) "Sexually violent offense" means:

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

14 (h) "Sexually violent predator" means:

(1) a person who:

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

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

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

22 (i) "Supervising authority" means:

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

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

31 (4) the Director of the Patuxent Institution, if the registrant is in the
32 custody of the Patuxent Institution;

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

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

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

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

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

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

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

27 11-704.

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

30 (1) a child sexual offender;

31 (2) an offender;

32 (3) a sexually violent offender;

33 (4) a sexually violent predator;

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

8 (i) to carry on employment;

12 (iii) as a transient.

13 11-705.

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

16 (1) is released;

17 (2) is granted probation;

18 (3) is granted a suspended sentence; or

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

20 (B) A SUPERVISING AUTHORITY SHALL:

21 (1) OBTAIN FROM A REGISTRANT THE INFORMATION REQUIRED UNDER
22 § 11-706 OF THIS SUBTITLE;

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

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

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

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

34 (i) is released;

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- 1 (ii) is granted probation before judgment;
- 2 (iii) is granted probation after judgment;
- 3 (iv) is granted a suspended sentence; or
- 4 (v) receives a sentence that does not include a term of
5 imprisonment;

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

- 8 (i) establishes a temporary or permanent residence in the State; or
- 9 (ii) applies for a driver's license in the State; or
- 10 (3) if the registrant is not a resident, within 14 days after the registrant:
 - 11 (i) begins employment in the State;
 - 12 (ii) registers as a student in the State; or
 - 13 (iii) enters the State as a transient.

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

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

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

- 22 (I) REGISTERS AS A STUDENT IN THE STATE; OR
- 23 (II) IS EMPLOYED IN THE STATE.

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

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

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

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

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

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

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

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

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

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

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

25 11-707.

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

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

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

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

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

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

15 (4) The term of registration is:

16 (i) 10 years; or

17 (ii) life, if:

18 1. the registrant is a sexually violent predator;

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

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

31 [55] (D) A registrant who is not a resident of the State shall register for
32 the appropriate time specified in this subsection or until the registrant's employment,
33 student enrollment, or transient status in the State ends.

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

35 (1) the last date of release;

3 11-708.

4 (b) (1) The supervising authority shall obtain a photograph and fingerprints
5 of the registrant and attach the photograph and fingerprints to the registration
6 statement.

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

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

15 11-709.

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

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

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

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

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

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

12 (E) AS SOON AS POSSIBLE BUT NOT LATER THAN 10 WORKING DAYS AFTER
13 RECEIVING A NOTICE FROM A SUPERVISING AUTHORITY UNDER THIS SUBTITLE, A
14 LOCAL LAW ENFORCEMENT UNIT SHALL SEND A COPY OF THE NOTICE TO THE
15 COMMANDER OF THE LAW ENFORCEMENT UNIT IN THE DISTRICT OR AREA IN WHICH
16 THE CHILD SEXUAL OFFENDER IS TO RESIDE OR WHERE A CHILD SEXUAL OFFENDER
17 WHO IS NOT A RESIDENT OF THE STATE IS A TRANSIENT OR WILL WORK OR ATTEND
18 SCHOOL.

19 (F) A LOCAL LAW ENFORCEMENT UNIT MAY NOTIFY THE FOLLOWING
20 ENTITIES THAT ARE LOCATED WITHIN THE COMMUNITY IN WHICH A CHILD SEXUAL
21 OFFENDER IS TO RESIDE OR WHERE A CHILD SEXUAL OFFENDER WHO IS NOT A
22 RESIDENT OF THE STATE IS A TRANSIENT OR WILL WORK OR ATTEND SCHOOL OR
23 THE FILING OF A REGISTRATION STATEMENT OR NOTICE OF CHANGE OF ADDRESS
24 BY THE CHILD SEXUAL OFFENDER:

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

27 (2) CHILD RECREATION FACILITIES;

28 (3) FAITH INSTITUTIONS; AND

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

31 [11-711.]

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

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

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

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

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

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

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

9 11-713.

10 The Department:

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

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

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

19 11-717.

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

22 (2) INFORMATION ABOUT REGISTRATION STATEMENTS SHALL
23 INCLUDE, IN PLAIN LANGUAGE THAT CAN BE UNDERSTOOD WITHOUT SPECIAL
24 KNOWLEDGE OF THE CRIMINAL LAWS OF THE STATE, A DESCRIPTION OF THE CRIME
25 OF THE OFFENDER THAT IS THE BASIS FOR THE REGISTRATION, EXCLUDING DETAIL
26 THAT WOULD IDENTIFY THE VICTIM.

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

29 (C) THE DEPARTMENT, THROUGH AN INTERNET POSTING OF CURRENT
30 REGISTRANTS, SHALL ALLOW THE PUBLIC TO ELECTRONICALLY TRANSMIT
31 INFORMATION THE PUBLIC MAY HAVE ABOUT A REGISTRANT TO THE DEPARTMENT,
32 A PAROLE AND PROBATION AGENT OF A REGISTRANT, AND THE LOCAL LAW
33 ENFORCEMENT UNIT WHERE A REGISTRANT RESIDES OR WHERE A REGISTRANT
34 WHO IS NOT A RESIDENT OF THE STATE IS A TRANSIENT OR WILL WORK OR ATTEND
35 SCHOOL.

1 (D) THE DEPARTMENT SHALL ALLOW MEMBERS OF THE PUBLIC WHO LIVE IN
2 THE COUNTY IN WHICH THE REGISTRANT IS TO RESIDE OR WHERE THE REGISTRANT,
3 IF NOT A RESIDENT OF THE STATE, IS A TRANSIENT OR WILL WORK OR ATTEND
4 SCHOOL, BY REQUEST, TO RECEIVE NOTIFICATION OF THE RELEASE FROM
5 INCARCERATION OF A REGISTERED OFFENDER AND THE REGISTRATION
6 INFORMATION OF THE OFFENDER.

7 [(c)] (E) The Department shall establish regulations to carry out this section.
8 11-718.

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

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

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

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

23 (3) THE DEPARTMENT SHALL ADOPT REGULATIONS REGARDING THE
24 FACTORS A LOCAL LAW ENFORCEMENT UNIT SHALL CONSIDER IN DETERMINING
25 THE SCOPE AND MANNER OF NOTIFICATION THAT SHALL BEST SERVE THE
26 INTERESTS OF JUSTICE, COMMUNITY SAFETY, AND AVAILABILITY OF RESOURCES TO
27 LOCAL LAW ENFORCEMENT.

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

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

32 11-721.

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

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

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

3 11-722.

4 (A) THIS SECTION DOES NOT APPLY TO A REGISTRANT WHO ENTERS REAL
5 PROPERTY:

6 (1) WHERE THE REGISTRANT IS A STUDENT OR THE REGISTRANT'S
7 CHILD IS A STUDENT OR RECEIVES CHILD CARE, IF:

8 (I) WITHIN THE PAST YEAR, THE REGISTRANT HAS BEEN GIVEN
9 THE SPECIFIC WRITTEN PERMISSION OF THE SUPERINTENDENT OF SCHOOLS, THE
10 LOCAL SCHOOL BOARD, THE PRINCIPAL OF THE SCHOOL, OR THE OWNER OR
11 OPERATOR OF THE REGISTERED FAMILY DAY CARE HOME, LICENSED CHILD CARE
12 HOME, OR LICENSED CHILD CARE INSTITUTION, AS APPLICABLE; AND

13 (II) THE REGISTRANT PROMPTLY NOTIFIES AN AGENT OR
14 EMPLOYEE OF THE SCHOOL, HOME, OR INSTITUTION OF THE REGISTRANT'S
15 PRESENCE AND PURPOSE OF VISIT; OR

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

19 (B) A REGISTRANT MAY NOT KNOWINGLY ENTER ON REAL PROPERTY:

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

22 (2) ON WHICH IS LOCATED:

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

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

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

30 11-723.

31 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A SENTENCE
32 FOR A DEFENDANT FOR A VIOLATION THAT REQUIRES THE DEFENDANT TO
33 REGISTER AS A CHILD SEX OFFENDER, A SEXUALLY VIOLENT OFFENDER, OR A
34 SEXUALLY VIOLENT PREDATOR UNDER § 11-707 OF THIS SUBTITLE SHALL INCLUDE A
35 TERM OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION.

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

4 (2) THE SENTENCING JUDGE SHALL HAVE DISCRETION TO IMPOSE A
5 TERM OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION IN THE CASE OF A
6 DEFENDANT WHO IS REQUIRED TO REGISTER AS A SEXUAL OFFENDER BECAUSE THE
7 DEFENDANT HAS BEEN CONVICTED ONCE FOR THIRD DEGREE SEXUAL OFFENSE,
8 BASED UPON THE DEFENDANT'S VIOLATION OF THE PROHIBITION AGAINST:

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

12 (II) ENGAGING IN A SEXUAL ACT WITH ANOTHER IF THE VICTIM IS
13 14 OR 15 YEARS OLD, AND THE PERSON PERFORMING THE SEXUAL ACT IS AT LEAST 21
14 YEARS OLD; OR

15 (III) ENGAGING IN VAGINAL INTERCOURSE WITH ANOTHER IF THE
16 VICTIM IS 14 OR 15 YEARS OLD, AND THE PERSON PERFORMING THE ACT IS AT LEAST
17 21 YEARS OLD.

18 (C) THE TERM OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION FOR
19 A DEFENDANT SENTENCED ON OR AFTER JULY 1, 2006, SHALL:

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

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

23 (D) (1) AT SENTENCING, WHEN APPLICABLE, THE JUDGE SHALL STATE ON
24 THE RECORD THAT THE DEFENDANT'S SENTENCE SHALL INCLUDE A TERM OF
25 EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION.

26 (2) THE STATEMENT REQUIRED UNDER PARAGRAPH (1) OF THIS
27 SUBSECTION IS FOR INFORMATION ONLY AND IS NOT A PART OF THE SENTENCE.

28 (3) THE FAILURE OF A COURT TO COMPLY WITH PARAGRAPH (1) OF THIS
29 SUBSECTION DOES NOT AFFECT THE LEGALITY OR EFFICACY OF THE SENTENCE.

30 11-724.

31 (A) THE MARYLAND PAROLE COMMISSION SHALL:

32 (1) ESTABLISH CONDITIONS OF PAROLE AND EXTENDED PAROLE
33 SUPERVISION FOR REGISTRANTS SENTENCED TO SUPERVISION UNDER § 11-723 OF
34 THIS SUBTITLE THAT SET OUT SPECIFIC CONDITIONS OF SUPERVISION, WHICH
35 SHALL:

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

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

5 (2) HEAR AND ADJUDICATE CASES OF EXTENDED SEXUAL OFFENDER
6 PAROLE SUPERVISION VIOLATIONS; AND

7 (3) IMPOSE SANCTIONS FOR EXTENDED SEXUAL OFFENDER PAROLE
8 SUPERVISION VIOLATIONS.

9 (B) IN ADDITION TO ANY OTHER CONDITIONS OF RELEASE, SPECIFIC
10 CONDITIONS OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION MAY
11 INCLUDE:

12 (1) MONITORING A REGISTRANT THROUGH GLOBAL POSITIONING
13 SATELLITE TRACKING TECHNOLOGY;

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

18 (3) RESTRICTING A REGISTRANT FROM OBTAINING SPECIFIC
19 EMPLOYMENT OR FROM PARTICIPATING IN A SPECIFIC ACTIVITY THAT WOULD
20 BRING THE REGISTRANT INTO CONTACT WITH MINORS;

21 (4) REQUIRING A REGISTRANT TO PARTICIPATE IN A CERTIFIED SEXUAL
22 OFFENDER TREATMENT PROGRAM;

23 (5) PROHIBITING A REGISTRANT FROM USING ILLICIT DRUGS OR
24 ABUSING ALCOHOL;

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

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

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

32 (C) (1) THE COMMISSION SHALL HEAR AND ADJUDICATE A PETITION FOR
33 DISCHARGE FROM EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION FROM A
34 REGISTRANT.

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

6 (4) A PETITION FOR DISCHARGE SHALL INCLUDE:

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

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

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

16 (D) THE COMMISSION SHALL HAVE ALL OF THE POWERS SET FORTH IN §§
17 7-205 AND 7-206 OF THE CORRECTIONAL SERVICES ARTICLE FOR THE PURPOSE OF
18 CARRYING OUT THE DUTIES OF THE COMMISSION UNDER THIS SUBTITLE.

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

22 (F) PARTICIPATION IN A CERTIFIED SEXUAL OFFENDER TREATMENT
23 PROGRAM SHALL NOT PROHIBIT A CONVICTED INDIVIDUAL FROM CONTINUING TO
24 MAINTAIN A CONSISTENTLY PROCLAIMED INNOCENCE.

25 (G) THE COMMISSION SHALL, BY REGULATION, ESTABLISH
26 CONSTITUTIONALLY COMPLIANT NOTICE AND HEARING PROCEDURES APPLICABLE
27 TO THE IMPOSITION OF SANCTIONS FOR EXTENDED SEXUAL OFFENDER PAROLE
28 SUPERVISION VIOLATIONS AND PETITIONS FOR DISCHARGE FROM EXTENDED
29 SEXUAL OFFENDER PAROLE SUPERVISION.

30 11-725.

31 (A) UNDER THE SUPERVISION OF THE DIVISION OF PAROLE AND PROBATION,
32 A SEXUAL OFFENDER MANAGEMENT TEAM SHALL CONDUCT EXTENDED SEXUAL
33 OFFENDER PAROLE SUPERVISION AND THE SUPERVISION OF PROBATION, PAROLE,
34 OR MANDATORY RELEASE OF A REGISTRANT SUBJECT TO EXTENDED SEXUAL
35 OFFENDER PAROLE SUPERVISION.

36 (B) A SEXUAL OFFENDER MANAGEMENT TEAM:

37 (1) CONSISTS OF:

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

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

4 (III) A LAW ENFORCEMENT REPRESENTATIVE; AND

5 (2) MAY INCLUDE:

6 (I) VICTIM ADVOCATES;

7 (II) FAITH COUNSELORS;

8 (III) EMPLOYMENT COUNSELORS;

9 (IV) COMMUNITY LEADERS;

10 (V) A POLYGRAPHER; AND

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

13 (C) (1) A SEXUAL OFFENDER MANAGEMENT TEAM SHALL SUBMIT A
14 PROGRESS REPORT ON EACH REGISTRANT TO THE COMMISSION ONCE EVERY 6
15 MONTHS.

21 11-726.

22 THE COMMISSION, WITH THE ADVICE OF THE SEXUAL OFFENDER ADVISORY
23 BOARD ESTABLISHED UNDER § 1-401 OF THE PUBLIC SAFETY ARTICLE, SHALL ADOPT
24 REGULATIONS NECESSARY TO CARRY OUT THE DUTIES OF THE COMMISSION UNDER
25 § 11-724 OF THIS SUBTITLE.

26

Article - Public Safety

27 SUBTITLE 4. SEXUAL OFFENDER ADVISORY BOARD.

28 1-401.

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

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

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

3 (2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE
4 SPEAKER OF THE HOUSE;

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

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

9 (5) THE CHAIRMAN OF THE MARYLAND PAROLE COMMISSION, OR THE
10 CHAIRMAN'S DESIGNEE;

11 (6) THE EXECUTIVE DIRECTOR OF THE MENTAL HYGIENE
12 ADMINISTRATION OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, OR THE
13 EXECUTIVE DIRECTOR'S DESIGNEE;

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

15 (8) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S DESIGNEE;
16 AND

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

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

19 (II) A HEALTH CARE PROFESSIONAL WITH EXPERTISE IN MENTAL
20 DISORDERS;

21 (III) A STATE'S ATTORNEY;

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

23 (V) A SEXUAL OFFENDER TREATMENT PROVIDER;

24 (VI) A POLYGRAPHER;

25 (VII) A REPRESENTATIVE OF A LOCAL LAW ENFORCEMENT UNIT;
26 AND

27 (VIII) TWO CITIZEN MEMBERS.

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

29 (2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS
30 REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON THE
31 EFFECTIVE DATE OF CHAPTER __ (SB __)(LR0031) OF THE ACTS OF THE GENERAL
32 ASSEMBLY OF THE SPECIAL SESSION OF 2006.

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

8 (D) A BOARD MEMBER:

9 (1) MAY NOT RECEIVE COMPENSATION FOR SERVING ON THE BOARD;
10 BUT

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

13 (E) THE GOVERNOR SHALL SELECT THE CHAIR FROM AMONG THE BOARD'S
14 MEMBERS.

15 (F) (1) A MAJORITY OF THE BOARD'S DULY APPOINTED MEMBERS
16 CONSTITUTES A QUORUM.

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

20 (G) THE BOARD SHALL:

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

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

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

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

29 (5) REVIEW DEVELOPMENTS IN THE TREATMENT AND ASSESSMENT OF
30 SEXUAL OFFENDERS; AND

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

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

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

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

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

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

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

16 (L) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
17 AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL PROVIDE STAFF
18 TO THE BOARD.

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

- 22 (1) One citizen member in 2007;
- 23 (2) The member of the victim's advocacy group in 2007;
- 24 (3) The health care professional with expertise in mental disorders in
25 2008;
- 26 (4) One citizen member in 2008;
- 27 (5) The sexual offender treatment provider in 2008;
- 28 (6) The lawyer with expertise in criminal defense in 2009;
- 29 (7) The representative of a local law enforcement unit in 2009;
- 30 (8) The State's Attorney in 2009; and
- 31 (9) The polygrapher in 2009.

32 SECTION 3. AND BE IT FURTHER ENACTED, That, if a registrant who was
33 required to register before the effective date of this Act, has not submitted a DNA
34 sample, as 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 Laboratory,
2 a supervising authority at the next registration of the registrant shall:

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

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

6 SECTION 4. AND BE IT FURTHER ENACTED, That the provisions of §
7 7-401(d)(3) of the Correctional Services Article shall be construed to apply only
8 prospectively to violations of parole committed on or after the effective date of this
9 Act.

10 SECTION 5. AND BE IT FURTHER ENACTED, That this Act is an emergency
11 measure, is necessary for the immediate preservation of the public health or safety,
12 has been passed by a yea or nay vote supported by three-fifths of all the members
13 elected to each of the two Houses of the General Assembly, and shall take effect from
14 the date it is enacted.