

UNOFFICIAL COPY OF SENATE BILL 6  
EMERGENCY BILL

E2  
SB 1/06 - JPR

6lr0048

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By: **The President**

Introduced and read first time: June 14, 2006

Assigned to: Rules

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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 by certain individuals involving children who are under a certain age;  
6 requiring a court to impose a certain sentence for certain offenses under certain  
7 circumstances; establishing certain penalties; requiring the State to notify a  
8 certain person of the State's intention to seek a certain sentence within a certain  
9 time period under certain circumstances; establishing that the initial  
10 registration of an individual relating to certain sexual offenses is a reportable  
11 offense for certain criminal records purposes; requiring a certain notice by a  
12 certain person to be sent to a certain registry; altering certain time periods for  
13 certain notification requirements; establishing that all persons subject to  
14 certain registration requirements must register in person every 3 months;  
15 requiring that certain registrations include a photograph that shall be updated  
16 at least once each year; repealing certain dates before which certain registrants  
17 are required to register; requiring a certain supervising authority to obtain a  
18 DNA sample from a certain registrant under certain circumstances; requiring a  
19 local law enforcement unit to provide a certain notice to a certain county  
20 superintendent and certain nonpublic schools of a change of address of a certain  
21 sexual offender within a certain time period; requiring a local law enforcement  
22 unit to provide a certain notice to a certain police department of a certain  
23 change of address of a certain sexual offender within a certain time period;  
24 requiring a certain police department to provide a certain notice to a certain  
25 commander of a local police precinct or district within a certain time period;  
26 requiring a local law enforcement unit to send a copy of a certain notice to a  
27 certain commander of a local police precinct or district within a certain time  
28 period; authorizing a local law enforcement unit to send a certain notice to  
29 certain organizations that serve children and other individuals vulnerable to  
30 certain offenders; repealing the requirement that the Department annually mail  
31 a certain verification form; repealing the requirement that a local law  
32 enforcement unit mail a certain verification form every 90 days; requiring  
33 certain registration statements to include a certain description of the crime that  
34 is the basis for the registration of a certain offender; requiring the Department,  
35 through a certain Internet posting of current registrants, to allow the public to

1 electronically transmit certain information to the Department, to certain parole  
2 agents, and to local law enforcement units; requiring the Department to allow  
3 certain members of the public, by request, to receive electronic mail notification  
4 of the release and registration information of certain offenders; authorizing the  
5 Department or a local law enforcement unit to provide certain information to a  
6 certain person under certain circumstances; altering for a second or subsequent  
7 conviction the classification of the crime from a misdemeanor to a felony and  
8 increasing the maximum penalties for a person convicted of knowingly failing to  
9 register as an offender for certain crimes, knowingly failing to provide a certain  
10 written notice to the Department, and knowingly providing false information of  
11 a material fact on a certain registration statement; prohibiting certain  
12 registrants from entering the real property of certain schools, child care homes,  
13 day care homes, or child care institutions under certain circumstances;  
14 establishing certain penalties; requiring a sentence for a certain category of  
15 sexual offender to include a term for extended sexual offender parole  
16 supervision; requiring that a term of extended sexual offender parole  
17 supervision have a certain minimum and a possible certain maximum period  
18 and commence at the expiration of a certain term; requiring that the  
19 Commission enter into and sign certain extended sexual offender parole  
20 supervision agreements that set out certain conditions; requiring the  
21 Commission to hear and adjudicate certain cases; authorizing the Commission  
22 to impose certain sanctions on certain registrants; providing that imprisonment  
23 for a certain violation is not subject to diminution credits; authorizing certain  
24 specific conditions of extended sexual offender parole supervision agreements;  
25 requiring the Commission to hear and adjudicate a certain petition of discharge  
26 from extended sexual offender parole supervision; authorizing a certain  
27 registrant to petition for discharge after serving a certain period of extended  
28 supervision; authorizing a registrant whose petition for discharge is denied to  
29 petition for discharge again after a certain period; requiring a certain petition  
30 for discharge to include a certain risk assessment of a registrant and a  
31 recommendation from a certain sexual offender management team; prohibiting  
32 the Commission from discharging a registrant from certain supervision unless  
33 the Commission determines that the registrant no longer poses an unacceptable  
34 risk to community safety; providing that the Commission has certain powers for  
35 the purpose of carrying out certain duties; requiring the Commission to appoint  
36 a certain administrator; requiring that a sexual offender parole supervision be  
37 conducted by a sexual offender management team under the supervision of the  
38 Division of Parole and Probation; requiring a sexual offender management team  
39 to be comprised of a certain parole agent and a sexual offender treatment  
40 provider; authorizing a sexual offender management team to include certain  
41 other persons; requiring a sexual offender management team to submit certain  
42 progress reports on certain registrants at certain intervals; requiring a sexual  
43 offender management team to provide a copy of a certain progress report to a  
44 certain local law enforcement unit; requiring the Commission, with the advice of  
45 a certain board, to adopt certain regulations; establishing a Sexual Offender  
46 Advisory Board; providing for the membership, appointment, terms, staggering  
47 of terms, reimbursements, chair, quorum and meeting requirements, duties, and  
48 staffing of the Board; requiring certain units of government to cooperate with

1 the Board; defining certain terms; specifying the terms of the initial members of  
2 the Board; requiring the State Board of Education to adopt regulations that  
3 prohibit a county board of education from contracting for certain services with  
4 certain individuals who are required to register as certain offenders or who  
5 employ individuals to provide certain services who are required to register as  
6 certain offenders; making this Act an emergency measure; and generally  
7 relating to the supervision of, notification concerning, and penalties for sexual  
8 offenders.

9 BY repealing and reenacting, without amendments,  
10 Article - Correctional Services  
11 Section 7-205  
12 Annotated Code of Maryland  
13 (1999 Volume and 2005 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article - Correctional Services  
16 Section 7-206  
17 Annotated Code of Maryland  
18 (1999 Volume and 2005 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article - Criminal Law  
21 Section 3-303 and 3-305  
22 Annotated Code of Maryland  
23 (2002 Volume and 2005 Supplement)

24 BY repealing and reenacting, with amendments,  
25 Article - Criminal Procedure  
26 Section 10-215(a), 11-701, 11-705, 11-707, 11-708(b), 11-709, 11-717, 11-718,  
27 and 11-721  
28 Annotated Code of Maryland  
29 (2001 Volume and 2005 Supplement)

30 BY repealing  
31 Article - Criminal Procedure  
32 Section 11-711  
33 Annotated Code of Maryland  
34 (2001 Volume and 2005 Supplement)

35 BY adding to  
36 Article - Criminal Procedure  
37 Section 11-722 through 11-726  
38 Annotated Code of Maryland

1 (2001 Volume and 2005 Supplement)

2 BY adding to

3 Article - Education

4 Section 6-113.1

5 Annotated Code of Maryland

6 (2004 Replacement Volume and 2005 Supplement)

7 BY adding to

8 Article - Public Safety

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

11 Annotated Code of Maryland

12 (2003 Volume and 2005 Supplement)

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

15 **Article - Correctional Services**

16 7-205.

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

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

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

22 (3) hear cases for parole in which:

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

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

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

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

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

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

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

4           (7)     hear cases of parole revocation; and

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

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

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

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

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

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

20           (1)     issue subpoenas requiring the attendance and testimony of  
21 witnesses;

22           (2)     administer oaths; and

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

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

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

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

1 7-206.

2 The Commission shall:

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

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

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

9 (i) concerning parole of an inmate under a sentence of life  
10 imprisonment; and

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

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

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

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

21 **Article - Criminal Law**

22 3-303.

23 (a) A person may not:

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

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

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

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

33 (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 18 YEARS OF AGE OR OLDER MAY NOT VIOLATE SUBSECTION (A)  
6 OF THIS SECTION INVOLVING A VICTIM WHO IS A CHILD UNDER THE AGE OF 12  
7 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 rape in the first degree and on conviction is subject to imprisonment not exceeding  
11 life.

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

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

19 (4) (I) A PERSON 18 YEARS OF AGE OR OLDER WHO VIOLATES  
20 SUBSECTION (C) OF THIS SECTION IS GUILTY OF THE FELONY OF RAPE IN THE FIRST  
21 DEGREE AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN  
22 25 YEARS AND NOT 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 [(d)] (E) If the State intends to seek a sentence of imprisonment for life  
26 without the possibility of parole under subsection [(c)(2) or (3)] (D)(2), (3), OR (4) of this  
27 section, OR IMPRISONMENT FOR NOT LESS THAN 25 YEARS UNDER SUBSECTION (D)(4)  
28 OF THIS SECTION, the State shall notify the person in writing of the State's intention  
29 at least 30 days before trial.

30 3-305.

31 (a) A person may not:

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

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

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

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

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 sexual offense in the first degree and on conviction is subject to imprisonment not  
15 exceeding life.

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

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

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

27 (II) A COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY  
28 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.



1

**Article - Criminal Procedure**

2 10-215.

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

- 5 (1) the issuance or withdrawal of an arrest warrant;
- 6 (2) an arrest;
- 7 (3) the release of a person after arrest without the filing of a charge;
- 8 (4) the filing of a charging document;
- 9 (5) a release pending trial or an appeal;
- 10 (6) a commitment to an institution of pretrial detention;
- 11 (7) the dismissal of an indictment or criminal information;
- 12 (8) a nolle prosequi;
- 13 (9) the marking of a charge "stet" on the docket;
- 14 (10) an acquittal, conviction, verdict of not criminally responsible, or any  
15 other disposition of a case at or following trial, including a finding of probation before  
16 judgment;
- 17 (11) the imposition of a sentence;
- 18 (12) a commitment to a State correctional facility or local correctional  
19 facility;
- 20 (13) a commitment to the Department of Health and Mental Hygiene  
21 under § 3-105 or § 3-111 of this article as incompetent to stand trial or not criminally  
22 responsible;
- 23 (14) a release from detention or confinement;
- 24 (15) a conditional release, revocation of conditional release, or discharge  
25 of a person committed to the Department of Health and Mental Hygiene under §  
26 3-105 or § 3-111 of this article as incompetent to stand trial or not criminally  
27 responsible;
- 28 (16) an escape from confinement or commitment;
- 29 (17) a pardon, reprieve, commutation of a sentence, or other change in a  
30 sentence, including a change in a sentence that a court orders;
- 31 (18) an entry of an appeal to an appellate court;

1 (19) a judgment of an appellate court;

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

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

5 (i) if the child is at least 14 years old, for an act described in §  
6 3-8A-03(d)(1) of the Courts Article; or

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

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

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

13 [(23)] (24) any other event arising out of or occurring during the course  
14 of a criminal proceeding that the Secretary by regulation or the Court of Appeals by  
15 rule makes a reportable event.

16 11-701.

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

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

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

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

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

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

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

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

32 [(b-1)] (B-2) "Employment" means an occupation, job, or vocation that is full  
33 time or part time for a period exceeding 14 days or for an aggregate period exceeding

1 30 days during a calendar year, whether financially compensated, volunteered, or for  
2 the purpose of government or educational benefit.

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

4 (1) IS A SEXUALLY VIOLENT PREDATOR;

5 (2) HAS BEEN CONVICTED OF A VIOLATION OF § 3-303, § 3-304, § 3-305, §  
6 3-306(A)(1) OR (2), OR § 3-307(A)(1) OR (2) OF THE CRIMINAL LAW ARTICLE;

7 (3) HAS BEEN CONVICTED OF A VIOLATION OF § 3-309, § 3-310, OR § 3-311  
8 OF THE CRIMINAL LAW ARTICLE OR AN ATTEMPT TO COMMIT A VIOLATION OF §  
9 3-306(A)(1) OR (2) OF THE CRIMINAL LAW ARTICLE;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8           (2)     "Release" means:

9                   (i)     release on parole;

10                  (ii)    mandatory supervision release;

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

13                  (iv)    work release;

14                  (v)     placement on home detention; and

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

17           (3)     "Release" does not include:

18                   (i)     an escape; or

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

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

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

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

23       (g)     "Sexually violent offense" means:

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

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

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

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

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

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

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

10 11-705.

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

13 (1) is released;

14 (2) is granted probation;

15 (3) is granted a suspended sentence; or

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

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

18 (1) if the registrant is a resident, on or before the date that the  
19 registrant:

20 (i) is released;

21 (ii) is granted probation before judgment;

22 (iii) is granted probation after judgment;

23 (iv) is granted a suspended sentence; or

24 (v) receives a sentence that does not include a term of  
25 imprisonment;

26 (2) if the registrant moves into the State, within 7 days after the earlier  
27 of the date that the registrant:

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

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

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

31 (i) begins employment in the State;

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

2 (iii) enters the State as a transient.

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

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

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

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

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

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

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

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

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

29 11-707.

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

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

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

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

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

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

13 (4) The term of registration is:

14 (i) 10 years; or

15 (ii) life, if:

16 1. the registrant is a sexually violent predator;

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

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

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

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

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

28 (1) the last date of release;

29 (2) the date granted probation; or

30 (3) the date granted a suspended sentence.

31 11-708.

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



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

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

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

9 (3) THIS SUBSECTION DOES NOT APPLY IF THE REGISTRANT IS  
10 REQUIRED TO REGISTER UNDER § 11-704 OF THIS SUBTITLE SOLELY AS A RESULT OF  
11 A MISDEMEANOR CONVICTION.

12 11-709.

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

18 (2) EACH YEAR, A LOCAL LAW ENFORCEMENT UNIT SHALL SEND A  
19 CHILD SEXUAL OFFENDER'S AND SEXUALLY VIOLENT PREDATOR'S UPDATED  
20 PHOTOGRAPH TO THE DEPARTMENT WITH 6 DAYS AFTER THE PHOTOGRAPH IS  
21 SUBMITTED.

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

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

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

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

1 (2) escapes from a facility but resided in the municipal corporation  
2 before being committed to the custody of a supervising authority; 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 5 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 WILL WORK OR ATTEND SCHOOL.

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

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

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

25 (2) CHILD RECREATION FACILITIES;

26 (3) FAITH INSTITUTIONS; AND

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

29 [11-711.

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

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

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

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

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

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

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

7 11-717.

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

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

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

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

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

29 [(c)] (E) The Department shall establish regulations to carry out this section.  
30 11-718.

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

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

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

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

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

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

10 11-721.

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

14 (b) A person who violates this section:

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

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

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

23 11-722.

24 (A) THIS SECTION DOES NOT APPLY TO A REGISTRANT WHO ENTERS REAL  
25 PROPERTY:

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

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

33 (II) THE REGISTRANT PROMPTLY NOTIFIES AN AGENT OR  
34 EMPLOYEE OF THE SCHOOL, HOME, OR INSTITUTION OF THE REGISTRANT'S  
35 PRESENCE AND PURPOSE OF VISIT; OR

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

4     (B)     A REGISTRANT MAY NOT KNOWINGLY ENTER ONTO REAL PROPERTY:

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

7           (2)     ON WHICH IS LOCATED:

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

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

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

15 11-723.

16     (A)     EXCEPT WHERE A TERM OF NATURAL LIFE WITHOUT THE POSSIBILITY OF  
17 PAROLE IS IMPOSED, A SENTENCE FOR AN EXTENDED PAROLE SUPERVISION  
18 OFFENDER SHALL INCLUDE A TERM OF EXTENDED SEXUAL OFFENDER PAROLE  
19 SUPERVISION.

20     (B)     THE TERM OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION FOR  
21 A DEFENDANT SENTENCED ON OR AFTER JUNE 1, 2007, SHALL:

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

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

25 11-724.

26     (A)     THE MARYLAND PAROLE COMMISSION SHALL:

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

31           (2)     HEAR AND ADJUDICATE CASES OF EXTENDED SEXUAL OFFENDER  
32 PAROLE SUPERVISION VIOLATIONS; AND

33           (3)     IMPOSE SANCTIONS FOR EXTENDED SEXUAL OFFENDER PAROLE  
34 SUPERVISION VIOLATIONS, INCLUDING ADDITIONAL RESTRICTIVE CONDITIONS.

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

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

7 (1) MONITORING A REGISTRANT THROUGH GLOBAL POSITIONING  
8 SATELLITE TRACKING TECHNOLOGY;

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

12 (3) RESTRICTING A REGISTRANT FROM OBTAINING EMPLOYMENT OR  
13 FROM PARTICIPATING IN AN ACTIVITY THAT WOULD BRING THE REGISTRANT INTO  
14 CONTACT WITH MINORS;

15 (4) REQUIRING A REGISTRANT TO PARTICIPATE IN A CERTIFIED SEXUAL  
16 OFFENDER TREATMENT PROGRAM;

17 (5) PROHIBITING A REGISTRANT FROM USING ILLICIT DRUGS OR  
18 ALCOHOL;

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

22 (7) REQUIRING A REGISTRANT TO TAKE REGULAR POLYGRAPH  
23 EXAMINATIONS.

24 (D) (1) THE COMMISSION SHALL HEAR AND ADJUDICATE A PETITION FOR  
25 DISCHARGE FROM EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION FROM A  
26 REGISTRANT.

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

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

32 (4) A PETITION FOR DISCHARGE SHALL INCLUDE:

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

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

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

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

10 (F) THE COMMISSION SHALL APPOINT AN ADMINISTRATOR TO COORDINATE  
11 THE REQUIREMENTS OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION  
12 UNDER THIS SUBTITLE.

13 11-725.

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

19 (B) A SEXUAL OFFENDER MANAGEMENT TEAM:

20 (1) CONSISTS OF:

21 (I) A SPECIALLY TRAINED PAROLE AGENT; AND

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

24 (2) MAY INCLUDE:

25 (I) VICTIM ADVOCATES;

26 (II) FAITH COUNSELORS;

27 (III) EMPLOYMENT COUNSELORS;

28 (IV) COMMUNITY LEADERS; AND

29 (V) A POLYGRAPHER.

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

33 (2) UNLESS DISCLOSURE OF A REPORT WOULD BE IN VIOLATION OF  
34 LAWS REGARDING CONFIDENTIALITY OF TREATMENT RECORDS, A SEXUAL

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

5 11-726.

6 THE COMMISSION, WITH THE ADVICE OF THE SEXUAL OFFENDER ADVISORY  
7 BOARD ESTABLISHED UNDER § 1-401 OF THE PUBLIC SAFETY ARTICLE, SHALL ADOPT  
8 REGULATIONS NECESSARY TO CARRY OUT THE DUTIES OF THE COMMISSION UNDER  
9 § 11-724 OF THIS SUBTITLE.

10 **Article - Education**

11 6-113.1.

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

20 **Article - Public Safety**

21 SUBTITLE 4. SEXUAL OFFENDER ADVISORY BOARD.

22 1-401.

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

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

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

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

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

32 (4) THE EXECUTIVE DIRECTOR OF THE MENTAL HYGIENE  
33 ADMINISTRATION OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, OR THE  
34 EXECUTIVE DIRECTOR'S DESIGNEE;



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

2 AND

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

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

5 (II) A HEALTH CARE PROFESSIONAL WITH EXPERTISE IN MENTAL  
6 DISORDERS;

7 (III) A STATE'S ATTORNEY;

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

9 (V) A SEXUAL OFFENDER TREATMENT PROVIDER;

10 (VI) A POLYGRAPHER;

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

12 AND

13 (VIII) TWO CITIZEN MEMBERS.

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

15 (2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS  
16 REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JUNE 1, 2007.

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

19 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES  
20 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND  
21 QUALIFIES.

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

24 (D) A BOARD MEMBER:

25 (1) MAY NOT RECEIVE COMPENSATION FOR SERVING ON THE BOARD;  
26 BUT

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

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

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

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

2 (3) THE BOARD SHALL MEET AT LEAST TWICE ANNUALLY AT THE TIMES  
3 AND PLACES DETERMINED BY THE BOARD.

4 (G) THE BOARD SHALL:

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

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

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

10 (4) REVIEW PRACTICES AND PROCEDURES OF THE MARYLAND PAROLE  
11 COMMISSION AND THE DIVISION OF PAROLE AND PROBATION CONCERNING  
12 SUPERVISION AND MONITORING OF SEXUAL OFFENDERS;

13 (5) REVIEW DEVELOPMENTS IN THE TREATMENT AND ASSESSMENT OF  
14 SEXUAL OFFENDERS;

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

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

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

20 (H) ON OR BEFORE DECEMBER 31, 2009, AND EVERY YEAR THEREAFTER, THE  
21 BOARD SHALL REPORT THE FINDINGS AND RECOMMENDATIONS OF THE BOARD TO  
22 THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT  
23 ARTICLE, THE GENERAL ASSEMBLY.

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

26 (J) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES  
27 AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL PROVIDE STAFF  
28 TO THE BOARD.

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

32 (1) One citizen member in 2008;

33 (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 2009;
- 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 2010.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an  
10 emergency measure, is necessary for the immediate preservation of the public health  
11 or safety, has been passed by a yea and nay vote supported by three-fifths of all the  
12 members elected to each of the two Houses of the General Assembly, and shall take  
13 effect from the date it is enacted.