

HOUSE BILL 390

E2
HB 1572/06 – JUD

71r2129

By: **Delegates Simmons, Kelly, and Shank**
Introduced and read first time: February 2, 2007
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Sexual Offenders – Evaluation Before Sentencing**

3 FOR the purpose of requiring a court, unless there is a certain waiver, before
4 sentencing a certain defendant, to order that the defendant submit to a
5 presentence investigation conducted by the Division of Parole and Probation
6 and a mental health evaluation conducted by a certain individual employed or
7 engaged by the Department of Health and Mental Hygiene; requiring a court to
8 consider the presentence investigation and mental health evaluation when
9 sentencing the defendant; and generally relating to evaluation and sentencing
10 of sexual offenders.

11 BY adding to
12 Article – Criminal Procedure
13 Section 11–727
14 Annotated Code of Maryland
15 (2001 Volume and 2006 Supplement)

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

18 **Article – Criminal Procedure**

19 **11–727.**

20 **(A) UNLESS WAIVED BY THE STATE’S ATTORNEY AND DEFENSE**
21 **COUNSEL, BEFORE SENTENCING A DEFENDANT WHO HAS BEEN CONVICTED OF A**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **CRIME FOR WHICH THE DEFENDANT IS REQUIRED TO REGISTER UNDER §**
2 **11-704 OF THIS SUBTITLE, THE COURT SHALL ORDER THE DEFENDANT TO**
3 **SUBMIT TO:**

4 **(1) A PRESENTENCE INVESTIGATION CONDUCTED BY THE**
5 **DIVISION OF PAROLE AND PROBATION; AND**

6 **(2) A MENTAL HEALTH ASSESSMENT, INCLUDING WHETHER THE**
7 **DEFENDANT IS A DANGER TO SELF OR OTHERS, CONDUCTED BY A QUALIFIED**
8 **MENTAL HEALTH PROFESSIONAL EMPLOYED OR ENGAGED BY THE**
9 **DEPARTMENT OF HEALTH AND MENTAL HYGIENE.**

10 **(B) THE COURT SHALL CONSIDER THE PRESENTENCE INVESTIGATION**
11 **AND MENTAL HEALTH EVALUATION WHEN SENTENCING THE DEFENDANT.**

12 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
13 **October 1, 2007.**