

# HOUSE BILL 390

E2  
HB 1572/06 – JUD

71r2129

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

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 17, 2007

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## CHAPTER \_\_\_\_\_

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 under certain circumstances, to order that the  
5 defendant submit to a presentence investigation conducted by the Division of  
6 Parole and Probation and a mental health evaluation conducted by a certain  
7 individual employed or engaged by the Department of Health and Mental  
8 Hygiene; requiring a court to consider the presentence investigation and mental  
9 health evaluation when sentencing the defendant; and generally relating to  
10 evaluation and sentencing 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**

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **11-727.**

2 (A) UNLESS WAIVED BY THE STATE'S ATTORNEY AND DEFENSE  
3 COUNSEL, BEFORE SENTENCING A DEFENDANT WHO ~~HAS BEEN CONVICTED OF A~~  
4 ~~CRIME FOR WHICH THE DEFENDANT~~ IS REQUIRED TO REGISTER UNDER §  
5 **11-704 OF THIS SUBTITLE FOR A VIOLATION OF § 3-602 OF THE CRIMINAL LAW**  
6 **ARTICLE, THE COURT SHALL ORDER THE DEFENDANT TO SUBMIT TO:**

7 (1) A PRESENTENCE INVESTIGATION CONDUCTED BY THE  
8 DIVISION OF PAROLE AND PROBATION; AND

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

13 (B) THE COURT SHALL CONSIDER THE PRESENTENCE INVESTIGATION  
14 AND MENTAL HEALTH EVALUATION WHEN SENTENCING THE DEFENDANT.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2007.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.