

SENATE BILL 83

E2
HB 1572/06 – JUD

71r0631

By: **Senator Zirkin**
Introduced and read first time: January 22, 2007
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: April 2, 2007

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 ~~11-704.1~~ 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**

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 ~~11-704.1.~~ 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:

Governor.

President of the Senate.

Speaker of the House of Delegates.