

## CHAPTER 519

(Senate Bill 83)

AN ACT concerning

### **Sexual Offenders – Evaluation Before Sentencing**

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

BY adding to

Article – Criminal Procedure

Section ~~11-704.1~~ 11-727

Annotated Code of Maryland

(2001 Volume and 2006 Supplement)

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

#### **Article – Criminal Procedure**

#### **~~11-704.1~~ 11-727.**

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

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

(2) **A MENTAL HEALTH ASSESSMENT, INCLUDING WHETHER THE DEFENDANT IS A DANGER TO SELF OR OTHERS, CONDUCTED BY A QUALIFIED**

**MENTAL HEALTH PROFESSIONAL EMPLOYED OR ENGAGED BY THE  
DEPARTMENT OF HEALTH AND MENTAL HYGIENE.**

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

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

**Approved by the Governor, May 17, 2007.**