

HOUSE BILL 1400

E2
HB 1450/08 – JUD

9lr0201

By: **Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)**

Introduced and read first time: February 25, 2009

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Sexual Offenders – Homeless Registrants, Supervision,**
3 **and Penalties**

4 FOR the purpose of repealing the requirement that the Maryland Parole Commission
5 administer extended sexual offender parole supervision; providing that a certain
6 offender is considered to be released when the offender is placed on probation or
7 probation before judgment; establishing that a person is a resident for purposes
8 of a certain offender registry if the person has a home or other place that the
9 person habitually lives located in the State at the time of a certain event;
10 requiring a certain registrant to register with a certain supervising authority
11 within a certain period of time after the registrant begins to habitually live in
12 the State; requiring a certain homeless registrant to register in person with a
13 local law enforcement unit within certain time periods; requiring a certain
14 homeless registrant to register with a local law enforcement unit at certain
15 intervals; requiring a certain homeless registrant to provide certain information
16 each time the registrant registers with a local law enforcement unit; requiring a
17 local law enforcement unit to obtain a digital image and fingerprints of a certain
18 homeless registrant; providing that a certain homeless registrant may be
19 required to provide certain information to a local law enforcement unit;
20 establishing that certain registration requirements for a homeless registrant
21 are in addition to certain other requirements; requiring a registrant who was
22 homeless and obtains a fixed address to register with a local law enforcement
23 unit within a certain time period; requiring a certain homeless registrant who
24 changes the county in which the registrant habitually lives to send a certain
25 notice to a certain State registry within a certain time period; adding to the
26 requirements of a certain registration statement; requiring a certain registrant
27 to provide a digital image and fingerprints instead of a photograph under
28 certain circumstances; expanding certain notification requirements relating to
29 the residence of a certain registrant to include the county where the registrant
30 habitually lives or intends to habitually live; expanding the authority of a local

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 law enforcement unit to notify entities of the location of a certain child sexual
 2 offender to include notifying child care centers issued a certain letter of
 3 compliance; clarifying that certain authorizations and requirements apply to a
 4 parole and probation agent; altering a certain provision to prohibit a certain
 5 registrant from knowingly entering onto the real property of a child care center
 6 issued a certain letter of compliance instead of a child care institution; altering
 7 certain provisions relating to extended sexual offender parole supervision of
 8 certain offenders; requiring a sentence for certain persons to include a term of
 9 extended sexual offender supervision; altering the term of extended sexual
 10 offender supervision; establishing that extended sexual offender supervision is
 11 imposed on a defendant for a crime committed on or after a certain date;
 12 providing that a certain sentencing court require a certain presentence
 13 investigation; requiring a certain sentencing court to impose certain conditions
 14 of extended sexual offender supervision on a certain registrant; authorizing a
 15 certain sentencing court to adjust certain conditions of extended sexual offender
 16 supervision under certain circumstances; requiring the court, when imposing a
 17 certain extended sexual offender supervision, to enter into certain agreements,
 18 hear and adjudicate certain cases, and impose certain sanctions; establishing a
 19 certain offense and penalty for violation of extended sexual offender
 20 supervision; requiring a certain Offender Review Committee to hear and
 21 adjudicate certain petitions for discharge from extended sexual offender
 22 supervision; requiring the Sexual Offender Advisory Board to appoint a certain
 23 administrator; altering the composition of a certain sexual offender
 24 management team; requiring certain progress reports of a sexual offender
 25 management team to be reported to the Offender Review Committee; altering
 26 the membership of the Sexual Offender Advisory Board; specifying the terms of
 27 the initial members of the Board; requiring the Secretary of Public Safety and
 28 Correctional Services and the Secretary of Health and Mental Hygiene to serve
 29 as cochairs of the Board; altering the duties of the Board; requiring the Board to
 30 create the Offender Review Committee; establishing the membership of the
 31 Offender Review Committee; establishing the duties of the Offender Review
 32 Committee; defining certain terms; altering certain terms; repealing certain
 33 terms; making certain conforming changes; and generally relating to sexual
 34 offender registration.

35 BY repealing and reenacting, with amendments,
 36 Article – Correctional Services
 37 Section 7–206
 38 Annotated Code of Maryland
 39 (2008 Replacement Volume and 2008 Supplement)

40 BY repealing and reenacting, without amendments,
 41 Article – Criminal Law
 42 Section 3–303 and 3–305
 43 Annotated Code of Maryland
 44 (2002 Volume and 2008 Supplement)

45 BY repealing and reenacting, with amendments,

1 Article – Criminal Procedure

2 Section 11–701, 11–705 through 11–709, 11–710(a), 11–713, 11–714, 11–717,
3 11–718(a), and 11–722 through 11–726

4 Annotated Code of Maryland
5 (2008 Replacement Volume)

6 BY repealing and reenacting, with amendments,

7 Article – Public Safety

8 Section 1–401

9 Annotated Code of Maryland

10 (2003 Volume and 2008 Supplement)

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

13 Article – Correctional Services

14 7–206.

15 The Commission shall:

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

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

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

22 (i) concerning parole of an inmate under a sentence of life
23 imprisonment; and

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

26 (4) establish and modify general policy governing the conduct of
27 parolees; **AND**

28 (5) arrange for psychiatric or psychological examination of applicants
29 for parole whenever the Commission believes that an examination will better enable it
30 to decide on the advisability of parole and include the expense for the examination in
31 its annual budget[]; and

32 (6) administer extended sexual offender parole supervision under
33 Title 11, Subtitle 7 of the Criminal Procedure Article].

1

Article – Criminal Law

2 3–303.

3 (a) A person may not:

4 (1) engage in vaginal intercourse with another by force, or the threat
5 of force, without the consent of the other; and6 (2) (i) employ or display a dangerous weapon, or a physical object
7 that the victim reasonably believes is a dangerous weapon;8 (ii) suffocate, strangle, disfigure, or inflict serious physical
9 injury on the victim or another in the course of committing the crime;10 (iii) threaten, or place the victim in fear, that the victim, or an
11 individual known to the victim, imminently will be subject to death, suffocation,
12 strangulation, disfigurement, serious physical injury, or kidnapping;

13 (iv) commit the crime while aided and abetted by another; or

14 (v) commit the crime in connection with a burglary in the first,
15 second, or third degree.16 (b) A person may not violate subsection (a) of this section while also violating
17 § 3–503(a)(2) of this title involving a victim who is a child under the age of 16 years.18 (c) A person 18 years of age or older may not violate subsection (a) of this
19 section involving a victim who is a child under the age of 13 years.20 (d) (1) Except as provided in paragraphs (2), (3), and (4) of this
21 subsection, a person who violates subsection (a) of this section is guilty of the felony of
22 rape in the first degree and on conviction is subject to imprisonment not exceeding life.23 (2) A person who violates subsection (b) of this section is guilty of the
24 felony of rape in the first degree and on conviction is subject to imprisonment not
25 exceeding life without the possibility of parole.26 (3) A person who violates subsection (a) or (b) of this section is guilty
27 of the felony of rape in the first degree and on conviction is subject to imprisonment
28 not exceeding life without the possibility of parole if the defendant was previously
29 convicted of violating this section or § 3–305 of this subtitle.30 (4) (i) Subject to subparagraph (iv) of this paragraph, a person 18
31 years of age or older who violates subsection (c) of this section is guilty of the felony of
32 rape in the first degree and on conviction is subject to imprisonment for not less than
33 25 years and not exceeding life without the possibility of parole.

1 (ii) A court may not suspend any part of the mandatory
2 minimum sentence of 25 years.

3 (iii) The person is not eligible for parole during the mandatory
4 minimum sentence.

5 (iv) If the State fails to comply with subsection (e) of this section,
6 the mandatory minimum sentence shall not apply.

7 (e) If the State intends to seek a sentence of imprisonment for life without
8 the possibility of parole under subsection (d)(2), (3), or (4) of this section, or
9 imprisonment for not less than 25 years under subsection (d)(4) of this section, the
10 State shall notify the person in writing of the State's intention at least 30 days before
11 trial.

12 3-305.

13 (a) A person may not:

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

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

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

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

23 (iv) commit the crime while aided and abetted by another; or

24 (v) commit the crime in connection with a burglary in the first,
25 second, or third degree.

26 (b) A person may not violate subsection (a) of this section while also violating
27 § 3-503(a)(2) of this title involving a victim who is a child under the age of 16 years.

28 (c) A person 18 years of age or older may not violate subsection (a) of this
29 section involving a victim who is a child under the age of 13 years.

30 (d) (1) Except as provided in paragraphs (2), (3), and (4) of this
31 subsection, a person who violates subsection (a) of this section is guilty of the felony of
32 sexual offense in the first degree and on conviction is subject to imprisonment not
33 exceeding life.

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

4 (3) A person who violates subsection (a) or (b) of this section is guilty
5 of the felony of sexual offense in the first degree and on conviction is subject to
6 imprisonment not exceeding life without the possibility of parole if the defendant was
7 previously convicted of violating this section or § 3–303 of this subtitle.

8 (4) (i) Subject to subparagraph (iv) of this paragraph, a person 18
9 years of age or older who violates subsection (c) of this section is guilty of the felony of
10 sexual offense in the first degree and on conviction is subject to imprisonment for not
11 less than 25 years and not exceeding life without the possibility of parole.

12 (ii) A court may not suspend any part of the mandatory
13 minimum sentence of 25 years.

14 (iii) The person is not eligible for parole during the mandatory
15 minimum sentence.

16 (iv) If the State fails to comply with subsection (e) of this section,
17 the mandatory minimum sentence shall not apply.

18 (e) If the State intends to seek a sentence of imprisonment for life without
19 the possibility of parole under subsection (d)(2), (3), or (4) of this section, or
20 imprisonment for not less than 25 years under subsection (d)(4) of this section, the
21 State shall notify the person in writing of the State's intention at least 30 days before
22 trial.

23 **Article – Criminal Procedure**

24 11–701.

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

26 (b) “Board” means the Sexual Offender Advisory Board.

27 (c) “Child sexual offender” means a person who:

28 (1) has been convicted of violating § 3–602 of the Criminal Law
29 Article;

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

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

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

7 (d) [“Commission” means the Maryland Parole Commission.]
8 **“COMMITTEE” MEANS THE OFFENDER REVIEW COMMITTEE.**

9 (e) “Employment” means an occupation, job, or vocation that is full time or
10 part time for a period exceeding 14 days or for an aggregate period exceeding 30 days
11 during a calendar year, whether financially compensated, volunteered, or for the
12 purpose of government or educational benefit.

13 [(f) ”Extended parole supervision offender” means a person who:

14 (1) is a sexually violent predator;

15 (2) has been convicted of a violation of § 3–303, § 3–304, § 3–305, §
16 3–306(a)(1) or (2), or § 3–307(a)(1) or (2) of the Criminal Law Article;

17 (3) has been convicted of a violation of § 3–309, § 3–310, or § 3–311 of
18 the Criminal Law Article or an attempt to commit a violation of § 3–306(a)(1) or (2) of
19 the Criminal Law Article;

20 (4) has been convicted of a violation of § 3–602 of the Criminal Law
21 Article for commission of a sexual act involving penetration of a child under the age of
22 12 years; or

23 (5) has been convicted more than once of a crime as a child sexual
24 offender, an offender, or a sexually violent offender.]

25 (F) **“HABITUALLY LIVES” MEANS ANY PLACE WHERE A PERSON LIVES
26 WITH ANY REGULARITY, INCLUDING WHERE A HOMELESS PERSON IS STATIONED
27 DURING THE DAY OR SLEEPS AT NIGHT.**

28 (G) **“HOMELESS” MEANS HAVING NO FIXED RESIDENCE.**

29 [(g)] (H) “Local law enforcement unit” means the law enforcement unit in a
30 county that has been designated by resolution of the county governing body as the
31 primary law enforcement unit in the county.

32 [(h)] (I) “Offender” means a person who is ordered by a court to register
33 under this subtitle and who:

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

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

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

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

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

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

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

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

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

22 [(i)] **(j)** (1) Except as otherwise provided in this subsection, “release”
23 means any type of release from the custody of a supervising authority.

24 (2) “Release” means:

25 (i) release on parole;

26 (ii) mandatory supervision release;

27 (iii) release from a correctional facility with no required period of
28 supervision;

29 (iv) work release;

30 (v) placement on home detention; [and]

1 (vi) the first instance of entry into the community that is part of
2 a supervising authority's graduated release program;

3 (VII) PLACEMENT ON PROBATION; AND

4 (VIII) GRANTING OF PROBATION BEFORE JUDGMENT.

5 (3) "Release" does not include:

6 (i) an escape; or

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

8 [(j)] (K) "Sexually violent offender" means a person who:

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

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

12 [(k)] (L) "Sexually violent offense" means:

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

15 (2) assault with intent to commit rape in the first or second degree or
16 a sexual offense in the first or second degree as prohibited on or before September 30,
17 1996, under former Article 27, § 12 of the Code; or

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

21 [(l)] (M) "Sexually violent predator" means:

22 (1) a person who:

23 (i) is convicted of a sexually violent offense; and

24 (ii) has been determined in accordance with this subtitle to be at
25 risk of committing another sexually violent offense; or

26 (2) a person who is or was required to register every 90 days for life
27 under the laws of another state or a federal, military, or Native American tribal
28 jurisdiction.

29 [(m)] (N) "Supervising authority" means:

1 (1) the Secretary, if the registrant is in the custody of a correctional
2 facility operated by the Department;

3 (2) the administrator of a local correctional facility, if the registrant,
4 including a participant in a home detention program, is in the custody of the local
5 correctional facility;

6 (3) the court that granted the probation or suspended sentence, except
7 as provided in item (12) of this subsection, if the registrant is granted probation before
8 judgment, probation after judgment, or a suspended sentence;

9 (4) the Director of the Patuxent Institution, if the registrant is in the
10 custody of the Patuxent Institution;

11 (5) the Secretary of Health and Mental Hygiene, if the registrant is in
12 the custody of a facility operated by the Department of Health and Mental Hygiene;

13 (6) the court in which the registrant was convicted, if the registrant's
14 sentence does not include a term of imprisonment or if the sentence is modified to time
15 served;

16 (7) the Secretary, if the registrant is in the State under terms and
17 conditions of the Interstate Compact for Adult Offender Supervision, set forth in Title
18 6, Subtitle 2 of the Correctional Services Article, or the Interstate Corrections
19 Compact, set forth in Title 8, Subtitle 6 of the Correctional Services Article;

20 (8) the Secretary, if the registrant moves to this State and was
21 convicted in another state of a crime that would require the registrant to register if the
22 crime was committed in this State;

23 (9) the Secretary, if the registrant moves to this State from another
24 state where the registrant was required to register;

25 (10) the Secretary, if the registrant is convicted in a federal, military, or
26 Native American tribal court and is not under supervision by another supervising
27 authority;

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

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

33 [(n)] (O) "Transient" means a nonresident registrant who enters a county of
34 this State with the intent to be in the State or is in the State for a period exceeding 14

1 days or for an aggregate period exceeding 30 days during a calendar year for a purpose
2 other than employment or to attend an educational institution.

3 11-705.

4 (a) In this section, "resident" means a person who [lives] **HAS A HOME OR**
5 **OTHER PLACE THAT THE PERSON HABITUALLY LIVES LOCATED** in this State
6 when the person:

7 (1) is released;

8 (2) [is granted probation;

9 (3)] is granted a suspended sentence; or

10 [(4)] **(3)** receives a sentence that does not include a term of
11 imprisonment.

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

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

15 (i) is released;

16 (ii) [is granted probation before judgment;

17 (iii) is granted probation after judgment;

18 (iv)] is granted a suspended sentence; or

19 [(v)] **(III)** receives a sentence that does not include a term of
20 imprisonment;

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

23 (i) establishes a temporary or permanent residence in the
24 State; [or]

25 **(II) BEGINS TO HABITUALLY LIVE IN THE STATE; OR**

26 [(ii)] **(III)** applies for a driver's license in the State; or

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

- 1 (i) begins employment in the State;
- 2 (ii) registers as a student in the State; or
- 3 (iii) enters the State as a transient.

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

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

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

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

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

17 **(D) (1) A HOMELESS REGISTRANT SHALL ALSO REGISTER IN PERSON**
18 **WITH THE LOCAL LAW ENFORCEMENT UNIT IN THE COUNTY WHERE THE**
19 **REGISTRANT HABITUALLY LIVES:**

20 **(I) WITHIN 7 DAYS AFTER THE EARLIER OF THE DATE OF**
21 **RELEASE OR AFTER REGISTERING WITH THE SUPERVISING AUTHORITY; OR**

22 **(II) WITHIN 24 HOURS AFTER ENTERING AND REMAINING IN**
23 **A COUNTY.**

24 **(2) AFTER INITIALLY REGISTERING WITH THE LOCAL LAW**
25 **ENFORCEMENT UNIT UNDER THIS SUBSECTION, A HOMELESS REGISTRANT**
26 **SHALL REGISTER ONCE A WEEK IN PERSON DURING THE TIME THE HOMELESS**
27 **REGISTRANT HABITUALLY LIVES IN THE COUNTY.**

28 **(3) (I) EACH TIME A HOMELESS REGISTRANT REGISTERS WITH**
29 **THE LOCAL LAW ENFORCEMENT UNIT, THE REGISTRANT SHALL PROVIDE THE**
30 **FOLLOWING INFORMATION:**

31 **1. THE REGISTRANT'S FULL NAME;**

1 send written notice to the State registry within 5 days after the commencement or
2 termination of enrollment.

3 (2) A registrant who commences or terminates carrying on
4 employment at an institution of higher education in the State shall send written notice
5 to the State registry within 5 days after the commencement or termination of
6 employment.

7 [(f)] (G) A registrant who is granted a legal change of name by a court shall
8 send written notice of the change to the State registry within 5 days after the change
9 is granted.

10 11-706.

11 (a) A registration statement shall include:

12 (1) the registrant's full name, including any suffix, and address **OR**
13 **PLACE WHERE THE REGISTRANT HABITUALLY LIVES;**

14 (2) (i) for a registrant under § 11-704(a)(7)(i) of this subtitle or
15 who is on work release, the registrant's place of employment; or

16 (ii) for a registrant under § 11-704(a)(7)(ii) of this subtitle, the
17 registrant's place of educational institution or school enrollment;

18 (3) (i) for a registrant enrolled, or expecting to enroll, in an
19 institution of higher education in the State as a full-time or part-time student, the
20 name and address of the institution of higher education; or

21 (ii) for a registrant who carries on employment, or expects to
22 carry on employment, at an institution of higher education in the State, the name and
23 address of the institution of higher education;

24 (4) a description of the crime for which the registrant was convicted;

25 (5) the date that the registrant was convicted;

26 (6) the jurisdiction in which the registrant was convicted;

27 (7) a list of any aliases, former names, electronic mail addresses,
28 computer log-in or screen names or identities, instant-messaging identities, and
29 electronic chat room identities that the registrant has used;

30 (8) the registrant's Social Security number;

31 (9) any other name by which the registrant has been legally known;

1 (10) a copy of the registrant's valid driver's license or identification
2 card;

3 (11) the license plate number and description of any vehicle owned or
4 regularly operated by the registrant; [and]

5 (12) the registrant's signature and date signed; **AND**

6 **(13) THE REGISTRANT'S FINGERPRINTS.**

7 (b) If the registrant is a sexually violent predator, the registration statement
8 shall also include:

9 (1) identifying factors, including a physical description;

10 (2) anticipated future residence, if known at the time of registration;

11 (3) offense history; and

12 (4) documentation of treatment received for a mental abnormality or
13 personality disorder.

14 11-707.

15 (a) (1) (i) A child sexual offender shall register in person every 6
16 months with a local law enforcement unit for the term provided under paragraph (4) of
17 this subsection.

18 (ii) Registration shall include a [photograph] **DIGITAL IMAGE**
19 **AND FINGERPRINTS** that shall be updated at least once each year.

20 (2) (i) An offender and a sexually violent offender shall register in
21 person every 6 months with a local law enforcement unit for the term provided under
22 paragraph (4) of this subsection.

23 (ii) Registration shall include a [photograph] **DIGITAL IMAGE**
24 **AND FINGERPRINTS** that shall be updated at least once each year.

25 (3) (i) A sexually violent predator shall register in person every 3
26 months **WITH A LOCAL LAW ENFORCEMENT UNIT** for the term provided under
27 paragraph (4)(ii) of this subsection.

28 (ii) Registration shall include a [photograph] **DIGITAL IMAGE**
29 **AND FINGERPRINTS** that shall be updated at least once each year.

30 (4) The term of registration is:

- 1 (i) 10 years; or
- 2 (ii) life, if:
- 3 1. the registrant is a sexually violent predator;
- 4 2. the registrant has been convicted of a sexually violent
5 offense;
- 6 3. the registrant has been convicted of a violation of §
7 3–602 of the Criminal Law Article for commission of a sexual act involving penetration
8 of a child under the age of 12 years; or
- 9 4. the registrant has been convicted of a prior crime as a
10 child sexual offender, an offender, or a sexually violent offender.

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

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

- 15 (1) the last date of release; **OR**
- 16 (2) [the date granted probation; or
- 17 (3)] the date granted a suspended sentence.

18 11–708.

19 (a) When a registrant registers, the supervising authority shall:

- 20 (1) give written notice to the registrant of the requirements of this
21 subtitle;
- 22 (2) explain the requirements of this subtitle to the registrant,
23 including:

24 (i) the duties of a registrant when the registrant changes
25 residence address in this State **OR CHANGES THE COUNTY IN WHICH THE**
26 **REGISTRANT HABITUALLY LIVES;**

27 (ii) the duties of a registrant under § [11–705(e) and (f)]
28 **11–705(F) AND (G)** of this subtitle;

29 (iii) the requirement for a child sexual offender to register in
30 person with the local law enforcement unit of the county where the child sexual

1 offender will reside or where the child sexual offender who is not a resident of this
2 State is a transient or will work or attend school; and

3 (iv) the requirement that if the registrant changes residence
4 address, employment, or school enrollment to another state that has a registration
5 requirement, the registrant shall register with the designated law enforcement unit of
6 that state within 7 days after the change; and

7 (3) obtain a statement signed by the registrant acknowledging that
8 the supervising authority explained the requirements of this subtitle and gave written
9 notice of the requirements to the registrant.

10 (b) (1) The supervising authority shall obtain a [photograph] **DIGITAL**
11 **IMAGE** and fingerprints of the registrant and attach the [photograph] **DIGITAL**
12 **IMAGE** and fingerprints to the registration statement.

13 (2) For a registrant who has not submitted a DNA sample, as defined
14 in § 2–501 of the Public Safety Article, for inclusion in the statewide DNA database
15 system of the Department of State Police Crime Laboratory, the supervising authority
16 shall:

17 (i) obtain a DNA sample from the registrant at the registrant's
18 initial registration; and

19 (ii) provide the sample to the statewide DNA database system of
20 the Department of State Police Crime Laboratory.

21 (3) This subsection does not apply if the registrant is required to
22 register under § 11–704 of this subtitle solely as a result of a misdemeanor conviction.

23 (c) (1) Within 5 days after obtaining a registration statement, the
24 supervising authority shall send a copy of the registration statement with the attached
25 fingerprints and [photograph] **DIGITAL IMAGE** of the registrant to the local law
26 enforcement unit in the county where the registrant will reside **OR HABITUALLY LIVE**
27 or where a registrant who is not a resident is a transient or will work or attend school.

28 (2) (i) If the registrant is enrolled in or carries on employment at,
29 or is expecting to enroll in or carry on employment at, an institution of higher
30 education in the State, within 5 days after obtaining a registration statement, the
31 supervising authority shall send a copy of the registration statement with the attached
32 fingerprints and [photograph] **DIGITAL IMAGE** of the registrant to the campus police
33 agency of the institution of higher education.

34 (ii) If an institution of higher education does not have a campus
35 police agency, the copy of the registration statement with the attached fingerprints
36 and [photograph] **DIGITAL IMAGE** of the registrant shall be provided to the local law
37 enforcement agency having primary jurisdiction for the campus.

1 (d) As soon as possible but not later than 5 working days after the
2 registration is complete, a supervising authority that is not a unit of the Department
3 shall send the registration statement to the Department

4 11-709.

5 (a) (1) (i) Every 3 months within 5 days after a sexually violent
6 predator completes the registration requirements of § 11-707(a) of this subtitle, a local
7 law enforcement unit shall send notice of the sexually violent predator's quarterly
8 registration to the Department.

9 (ii) Every 6 months within 5 days after a child sexual offender
10 completes the registration requirements of § 11-707(a) of this subtitle, a local law
11 enforcement unit shall send notice of the child sexual offender's biannual registration
12 to the Department.

13 (2) Each year, a local law enforcement unit shall send a child sexual
14 offender's and sexually violent predator's updated [photograph] **DIGITAL IMAGE** to
15 the Department within 6 days after the [photograph] **DIGITAL IMAGE** is submitted.

16 (b) (1) As soon as possible but not later than 5 working days after
17 receiving a registration statement of a child sexual offender [or], notice of a change of
18 address of a child sexual offender, **OR CHANGE IN THE COUNTY IN WHICH A**
19 **HOMELESS CHILD SEXUAL OFFENDER HABITUALLY LIVES**, a local law enforcement
20 unit shall send written notice of the registration statement [or], change of address, **OR**
21 **CHANGE OF COUNTY**, to the county superintendent, as defined in § 1-101 of the
22 Education Article, and all nonpublic primary and secondary schools in the county
23 within 1 mile of where the child sexual offender is to reside **OR HABITUALLY LIVE** or
24 where a child sexual offender who is not a resident of the State is a transient or will
25 work or attend school.

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

32 (c) A local law enforcement unit that receives a notice from a supervising
33 authority under this subtitle shall send a copy of the notice to the police department, if
34 any, of a municipal corporation if the registrant:

35 (1) is to reside **OR HABITUALLY LIVE** in the municipal corporation
36 after release;

1 (2) escapes from a facility but resided **OR HABITUALLY LIVED** in the
2 municipal corporation before being committed to the custody of a supervising
3 authority; or

4 (3) is to change addresses to another place of residence within the
5 municipal corporation.

6 (d) As soon as possible but not later than 5 working days after receiving
7 notice from a local law enforcement unit under this section, a police department of a
8 municipal corporation shall send a copy of the notice to the commander of the local
9 police precinct or district in which the child sexual offender is to reside **OR**
10 **HABITUALLY LIVE** or where a child sexual offender who is not a resident of the State
11 will work or attend school.

12 (e) As soon as possible but not later than 5 working days after receiving a
13 notice from a supervising authority under this subtitle, a local law enforcement unit
14 shall send a copy of the notice to the commander of the law enforcement unit in the
15 district or area in which the child sexual offender is to reside **OR HABITUALLY LIVE**
16 or where a child sexual offender who is not a resident of the State will work or attend
17 school.

18 (f) A local law enforcement unit may notify the following entities that are
19 located within the community in which a child sexual offender is to reside **OR**
20 **HABITUALLY LIVE** or where a child sexual offender who is not a resident of the State
21 will work or attend school of the filing of a registration statement or notice of change
22 of address **OR COUNTY WHERE THE REGISTRANT WILL HABITUALLY LIVE** by the
23 child sexual offender:

24 (1) family day care homes or child care centers registered [or
25 licensed], **LICENSED, OR ISSUED A LETTER OF COMPLIANCE** under Title 5, Subtitle
26 5 of the Family Law Article;

27 (2) child recreation facilities;

28 (3) faith institutions; and

29 (4) other organizations that serve children and other individuals
30 vulnerable to child sexual offenders.

31 11-710.

32 (a) As soon as possible but not later than 5 working days after receipt of
33 notice of a registrant's change of address **OR NOTICE THAT THE COUNTY WHERE**
34 **THE REGISTRANT HABITUALLY LIVES HAS CHANGED**, the Department shall give
35 notice of the change:

1 (1) if the registration is premised on a conviction under federal,
2 military, or Native American tribal law, to the designated federal unit; and

3 (2) (i) to the local law enforcement unit in whose county the new
4 residence is located **OR WHERE THE REGISTRANT INTENDS TO HABITUALLY LIVE**;
5 or

6 (ii) if the new residence **OR LOCATION WHERE THE**
7 **REGISTRANT WILL HABITUALLY LIVE** is in a different state that has a registration
8 requirement, to the designated law enforcement unit in that state.

9 11-713.

10 The Department:

11 (1) as soon as possible but not later than 5 working days after
12 receiving the conviction data and fingerprints of a registrant, shall transmit the data
13 and fingerprints to the Federal Bureau of Investigation if the Bureau does not have
14 that information;

15 (2) shall keep a central registry of registrants;

16 (3) shall reimburse local law enforcement units for the cost of
17 processing the registration statements of registrants, including the cost of taking
18 fingerprints and [photographs] **DIGITAL IMAGES**; and

19 (4) shall reimburse local law enforcement units for the reasonable
20 costs of implementing community notification procedures.

21 11-714.

22 A registration statement given to a person under this subtitle shall include a
23 copy of the completed registration form and a copy of the registrant's [photograph]
24 **DIGITAL IMAGE**, but need not include the fingerprints of the registrant.

25 11-717.

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

28 (2) Information about registration statements shall include, in plain
29 language that can be understood without special knowledge of the criminal laws of the
30 State, a description of the crime of the offender that is the basis for the registration,
31 excluding details that would identify the victim.

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

1 (c) The Department, through an Internet posting of current registrants,
2 shall allow the public to electronically transmit information the public may have about
3 a registrant to the Department, a parole **AND PROBATION** agent of a registrant, and
4 the local law enforcement unit where a registrant resides **OR HABITUALLY LIVES** or
5 where a registrant who is not a resident of the State will work or attend school.

6 (d) The Department shall allow members of the public who live in the county
7 in which the registrant is to reside **OR HABITUALLY LIVE** or where the registrant, if
8 not a resident of the State, will work or attend school, by request, to receive electronic
9 mail notification of the release from incarceration of a registered offender and the
10 registration information of the offender.

11 (e) The Department shall establish regulations to carry out this section.

12 11-718.

13 (a) (1) If the Department or a local law enforcement unit finds that, to
14 protect the public from a specific registrant, it is necessary to give notice of a
15 registration statement [or], a change of address of the registrant, **OR A CHANGE IN**
16 **THE COUNTY IN WHICH A REGISTRANT HABITUALLY LIVES** to a particular person
17 not otherwise identified under § 11-709 of this subtitle, then the Department or a local
18 law enforcement unit shall give notice of the registration statement to that person.

19 (2) This notice is in addition to the notice required under §
20 11-709(b)(1) of this subtitle.

21 11-722.

22 (a) This section does not apply to a registrant who enters real property:

23 (1) where the registrant is a student or the registrant's child is a
24 student or receives child care, if:

25 (i) within the past year the registrant has been given the
26 specific written permission of the Superintendent of Schools, the local school board,
27 the principal of the school, or the owner or operator of the registered family day care
28 home, licensed child care home, or licensed child care institution, as applicable; and

29 (ii) the registrant promptly notifies an agent or employee of the
30 school, home, or institution of the registrant's presence and purpose of visit; or

31 (2) for the purpose of voting at a school on an election day in the State
32 if the registrant is properly registered to vote and the registrant's polling place is at
33 the school.

34 (b) A registrant may not knowingly enter onto real property:

1 (1) that is used for public or nonpublic elementary or secondary
2 education; or

3 (2) on which is located:

4 (i) a family day care home registered under Title 5, Subtitle 5 of
5 the Family Law Article; or

6 (ii) a child care home or a child care [institution] **CENTER**
7 licensed **OR ISSUED A LETTER OF COMPLIANCE** under Title 5, Subtitle 5 of the
8 Family Law Article.

9 (c) A person who enters into a contract with a county board of education or a
10 nonpublic school may not knowingly employ an individual to work at a school if the
11 individual is a registrant.

12 (d) A person who violates this section is guilty of a misdemeanor and on
13 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding
14 \$5,000 or both.

15 11-723.

16 (a) Except where a term of natural life without the possibility of parole is
17 imposed, a sentence for [an extended parole supervision offender] **THE FOLLOWING**
18 **REGISTRANTS** shall include a term of extended sexual offender [parole] supervision:

19 (1) **A PERSON WHO IS A SEXUALLY VIOLENT PREDATOR;**

20 (2) **A PERSON WHO HAS BEEN CONVICTED OF A VIOLATION OF §**
21 **3-303, § 3-304, § 3-305, § 3-306(A)(1) OR (2), OR § 3-307(A)(1) OR (2) OF THE**
22 **CRIMINAL LAW ARTICLE;**

23 (3) **A PERSON WHO HAS BEEN CONVICTED OF A VIOLATION OF §**
24 **3-309, § 3-310, OR § 3-111 OF THE CRIMINAL LAW ARTICLE OR AN ATTEMPT TO**
25 **COMMIT A VIOLATION OF § 3-306(A)(1) OR (2) OF THE CRIMINAL LAW ARTICLE;**

26 (4) **A PERSON WHO HAS BEEN CONVICTED OF A VIOLATION OF §**
27 **3-602 OF THE CRIMINAL LAW ARTICLE FOR THE COMMISSION OF A SEXUAL ACT**
28 **INVOLVING PENETRATION OF A CHILD UNDER THE AGE OF 12 YEARS; AND**

29 (5) **A PERSON WHO HAS BEEN CONVICTED MORE THAN ONCE OF A**
30 **CRIME AS A CHILD SEXUAL OFFENDER, AN OFFENDER, OR A SEXUALLY VIOLENT**
31 **OFFENDER.**

1 (b) (1) The term of extended sexual offender [parole] supervision [for a
2 defendant sentenced] **IMPOSED ON A REGISTRANT FOR A CRIME COMMITTED** on or
3 after August 1, 2006, shall:

4 [(1)] (I) be [a minimum of 3 years to a maximum of] a term of life;
5 and

6 [(2)] (II) commence on the expiration of the later of any term of
7 imprisonment, probation, parole, or mandatory supervision.

8 (2) **THE CONDITIONS OF EXTENDED SEXUAL OFFENDER**
9 **SUPERVISION SHALL COMMENCE ON RELEASE OF THE DEFENDANT FROM**
10 **INCARCERATION OR ON IMPOSITION OF PROBATION.**

11 (C) **IN ACCORDANCE WITH § 6-112 OF THE CORRECTIONAL SERVICES**
12 **ARTICLE, THE SENTENCING COURT SHALL REQUIRE A PRESENTENCE**
13 **INVESTIGATION TO INCLUDE A SEXUAL OFFENDER SPECIFIC RISK ASSESSMENT**
14 **AND EVALUATION OF THE RISK OF RE-OFFENDING TO DETERMINE THE**
15 **APPROPRIATE APPLICATION OF THE EXTENDED SEXUAL OFFENDER**
16 **SUPERVISION CONDITIONS.**

17 (D) (1) **THE SENTENCING COURT SHALL IMPOSE SPECIAL**
18 **CONDITIONS OF EXTENDED SEXUAL OFFENDER SUPERVISION ON THE**
19 **DEFENDANT BASED ON THE PRESENTENCE INVESTIGATION.**

20 (2) **THE CONDITIONS OF EXTENDED SEXUAL OFFENDER**
21 **SUPERVISION MAY INCLUDE:**

22 (I) **MONITORING A REGISTRANT THROUGH GLOBAL**
23 **POSITIONING SATELLITE TRACKING OR EQUIVALENT TECHNOLOGY;**

24 (II) **WHERE APPROPRIATE AND FEASIBLE, RESTRICTING A**
25 **REGISTRANT FROM LIVING IN PROXIMITY TO OR LOITERING NEAR SCHOOLS,**
26 **FAMILY DAY CARE CENTERS, CHILD CARE CENTERS, AND OTHER PLACES**
27 **PRIMARILY USED BY MINORS;**

28 (III) **RESTRICTING A REGISTRANT FROM OBTAINING**
29 **EMPLOYMENT OR FROM PARTICIPATING IN AN ACTIVITY THAT WOULD BRING**
30 **THE REGISTRANT INTO CONTACT WITH MINORS;**

31 (IV) **REQUIRING A REGISTRANT TO PARTICIPATE IN A**
32 **CERTIFIED SEXUAL OFFENDER TREATMENT PROGRAM;**

1 (V) PROHIBITING A REGISTRANT FROM USING ILLICIT
2 DRUGS OR ALCOHOL;

3 (VI) AUTHORIZING A PAROLE AND PROBATION AGENT TO
4 ACCESS THE PERSONAL COMPUTER OF A REGISTRANT TO CHECK FOR MATERIAL
5 RELATING TO SEXUAL RELATIONS WITH MINORS;

6 (VII) REQUIRING A REGISTRANT TO TAKE REGULAR
7 POLYGRAPH EXAMINATIONS; AND

8 (VIII) PROHIBITING A REGISTRANT FROM CONTACTING
9 SPECIFIC INDIVIDUALS OR CATEGORIES OF INDIVIDUALS.

10 (3) ON REQUEST OF THE SUPERVISING AGENT WITH A
11 RECOMMENDATION BY THE OFFENDER REVIEW COMMITTEE BASED ON THE
12 PROGRESS REPORTS REQUIRED IN § 11-725 OF THIS SUBTITLE, THE
13 SENTENCING COURT MAY ADJUST THE SPECIAL CONDITIONS AS THE
14 REGISTRANT'S RISK ASSESSMENT SCORE CHANGES OVER TIME.

15 (E) WHEN IMPOSING EXTENDED SEXUAL OFFENDER SUPERVISION, THE
16 SENTENCING COURT SHALL:

17 (1) ENTER INTO EXTENDED SEXUAL OFFENDER SUPERVISION
18 AGREEMENTS THAT SET OUT SPECIFIC CONDITIONS OF SUPERVISION WITH
19 REGISTRANTS SENTENCED TO SUPERVISION UNDER THIS SECTION;

20 (2) HEAR AND ADJUDICATE CASES OF EXTENDED SEXUAL
21 OFFENDER SUPERVISION VIOLATIONS; AND

22 (3) IMPOSE SANCTIONS FOR EXTENDED SEXUAL OFFENDER
23 SUPERVISION VIOLATIONS, INCLUDING ADDITIONAL RESTRICTIVE CONDITIONS.

24 11-724.

25 [(a) The Maryland Parole Commission shall:

26 (1) enter into and sign extended sexual offender parole supervision
27 agreements with registrants sentenced to supervision under § 11-723 of this subtitle
28 that set out specific conditions of supervision;

29 (2) hear and adjudicate cases of extended sexual offender parole
30 supervision violations; and

31 (3) impose sanctions for extended sexual offender parole supervision
32 violations, including additional restrictive conditions.]

1 **(A) A REGISTRANT SUBJECT TO EXTENDED SEXUAL OFFENDER**
2 **SUPERVISION MAY NOT KNOWINGLY OR WILLFULLY VIOLATE THE CONDITIONS**
3 **OF THE EXTENDED SEXUAL OFFENDER SUPERVISION IMPOSED UNDER § 11-723**
4 **OF THIS SUBTITLE.**

5 **(B) IN ADDITION TO ANY SANCTIONS IMPOSED UNDER § 11-723(E) OF**
6 **THIS SUBTITLE, A REGISTRANT WHO VIOLATES ANY CONDITIONS IMPOSED**
7 **UNDER § 11-723 OF THIS SUBTITLE:**

8 **(1) FOR A FIRST OFFENSE, IS GUILTY OF A MISDEMEANOR AND ON**
9 **CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A**
10 **FINE NOT EXCEEDING \$5,000 OR BOTH; AND**

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

14 **[(b)] (C)** Imprisonment for an extended sexual offender [parole] supervision
15 violation is not subject to diminution credits.

16 **[(c)** Specific conditions of extended sexual offender parole supervision shall
17 commence upon release of the extended parole supervision offender from incarceration
18 or imposition of probation on the extended parole supervision offender and may
19 include:

20 (1) monitoring a registrant through global positioning satellite
21 tracking technology;

22 (2) where appropriate and feasible, restricting a registrant from living
23 in proximity to or loitering near schools, family day care centers, child care centers,
24 and other places primarily used by minors;

25 (3) restricting a registrant from obtaining employment or from
26 participating in an activity that would bring the registrant into contact with minors;

27 (4) requiring a registrant to participate in a certified sexual offender
28 treatment program;

29 (5) prohibiting a registrant from using illicit drugs or alcohol;

30 (6) authorizing parole agents to access the personal computer of a
31 registrant to check for material relating to sexual relations with minors;

32 (7) requiring a registrant to take regular polygraph examinations; and

1 (8) prohibiting a registrant from contacting specific individuals or
2 categories of individuals.]

3 (d) (1) The [Commission] **OFFENDER REVIEW COMMITTEE** shall hear
4 and adjudicate a petition for discharge from extended sexual offender [parole]
5 supervision from a registrant.

6 (2) A registrant may file a petition for discharge after serving at least
7 3 years of extended sexual offender [parole] supervision.

8 (3) If a petition for discharge is denied, a registrant may not renew the
9 petition for a minimum of 1 year.

10 (4) A petition for discharge shall include:

11 (i) a risk assessment of the registrant conducted by a certified
12 sexual offender treatment provider within 3 months before the date of the filing of the
13 petition; and

14 (ii) a recommendation regarding the discharge of the registrant
15 from the sexual offender management team.

16 (5) The [Commission] **COMMITTEE** may not discharge a registrant
17 from extended sexual offender [parole] supervision unless the [Commission]
18 **COMMITTEE** determines that the petitioner no longer poses an unacceptable risk to
19 community safety.

20 [(e) The Commission shall have all of the powers set forth in § 7–205 of the
21 Correctional Services Article for the purpose of carrying out the duties of the
22 Commission under this subtitle.]

23 [(f) (6) The [Commission] **SEXUAL OFFENDER ADVISORY BOARD** shall
24 appoint an administrator to coordinate the [requirements of extended sexual offender
25 parole supervision] **ACTIVITIES AND DUTIES OF THE COMMITTEE** under this
26 subtitle.

27 11–725.

28 (a) Under the supervision of the Division of Parole and Probation, a sexual
29 offender management team shall conduct extended sexual offender [parole]
30 supervision and the supervision of probation, parole, or mandatory release of a
31 registrant subject to extended sexual offender [parole] supervision.

32 (b) A sexual offender management team:

33 (1) consists of:

- 1 (i) a specially trained parole **AND PROBATION** agent; and
- 2 (ii) a representative of a [certified sex offender treatment
3 provider] **SEXUAL OFFENDER TREATMENT PROGRAM OR PROVIDER CERTIFIED**
4 **BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE AND BY THE SEXUAL**
5 **OFFENDER ADVISORY BOARD**; and

6 (2) may include:

- 7 (i) victim advocates **OR VICTIM SERVICE PROVIDERS WITH**
8 **RECOGNIZED EXPERTISE IN SEXUAL ABUSE AND VICTIMIZATION**;
- 9 (ii) faith counselors;
- 10 (iii) employment counselors;
- 11 (iv) community leaders; [and]
- 12 (v) a [polygrapher] **POLYGRAPH EXAMINER WITH**
13 **RECOGNIZED EXPERTISE IN SEXUAL OFFENDER-SPECIFIC POLYGRAPH**
14 **EXAMINATION**;
- 15 **(VI) A LAW ENFORCEMENT OFFICER;**
- 16 **(VII) AN ASSISTANT STATE'S ATTORNEY;**
- 17 **(VIII) AN ASSISTANT PUBLIC DEFENDER; AND**
- 18 **(IX) A FOREIGN OR SIGN LANGUAGE INTERPRETER.**

19 (c) (1) A sexual offender management team shall submit a progress report
20 on each registrant to the [commission] **COMMITTEE** once every 6 months.

21 (2) Unless disclosure of a report would be in violation of laws
22 regarding confidentiality of treatment records, a sexual offender management team
23 shall provide copies of each progress report to local law enforcement units of the
24 county in which the registrant resides **OR HABITUALLY LIVES** or where a sexual
25 offender who is not a resident of the State will work or attend school.

26 11-726.

27 The [Commission] **COMMITTEE**, with the advice of the Sexual Offender
28 Advisory Board established under § 1-401 of the Public Safety Article, shall adopt
29 regulations necessary to carry out the duties of the [Commission] **COMMITTEE** under
30 § 11-724 of this subtitle.

Article – Public Safety

1

2 1–401.

3 (a) There is a Sexual Offender Advisory Board in the Department of Public
4 Safety and Correctional Services.

5 (b) The Board consists of the following members:

6 (1) the Secretary of Public Safety and Correctional Services, or the
7 Secretary's designee;

8 **(2) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE**
9 **SECRETARY'S DESIGNEE;**

10 **(3) THE SECRETARY OF JUVENILE SERVICES, OR THE**
11 **SECRETARY'S DESIGNEE;**

12 ~~[(2)]~~ **(4)** the Director of the Division of Parole and Probation, or the
13 Director's designee;

14 ~~[(3)]~~ **(5)** the Chairman of the Maryland Parole Commission, or the
15 Chairman's designee;

16 **(6) THE DIRECTOR OF THE MARYLAND CRIMINAL JUSTICE**
17 **INFORMATION SYSTEM CENTRAL REPOSITORY, OR THE DIRECTOR'S DESIGNEE;**

18 ~~[(4)]~~ **(7)** the Executive Director of the Mental Hygiene
19 Administration of the Department of Health and Mental Hygiene, or the Executive
20 Director's designee;

21 ~~[(5)]~~ **(8)** the Secretary of State Police, or the Secretary's designee;
22 and

23 ~~[(6)]~~ **(9)** the following members, appointed by the Governor:

24 (i) a representative from a [victim's] **VICTIMS'** advocacy
25 [group] **ORGANIZATION OR VICTIM SERVICE PROVIDER WITH RECOGNIZED**
26 **EXPERTISE IN SEXUAL ABUSE AND VICTIMIZATION;**

27 (ii) [a health care professional with expertise in mental
28 disorders] **A LICENSED MENTAL HEALTH PROFESSIONAL WITH RECOGNIZED**
29 **EXPERTISE IN THE TREATMENT OF ADULT SEXUAL OFFENDERS;**

1 (III) A LICENSED MENTAL HEALTH PROFESSIONAL WITH
2 **RECOGNIZED EXPERTISE IN THE TREATMENT OF JUVENILE SEXUAL**
3 **OFFENDERS;**

4 (IV) A LICENSED FORENSIC PSYCHIATRIST WITH
5 **RECOGNIZED EXPERTISE IN THE PHARMACOLOGICAL TREATMENT OF SEXUAL**
6 **OFFENDERS;**

7 [(iii)] (V) a State's Attorney **WITH EXPERTISE IN THE**
8 **PROSECUTION OF SEXUAL AND CHILD ABUSE CRIMES;**

9 [(iv) a lawyer with expertise in criminal defense]

10 (VI) A PUBLIC DEFENDER;

11 [(v) a sexual offender treatment provider;]

12 [(vi)] (VII) a [polygrapher] **POLYGRAPH EXAMINER WITH**
13 **RECOGNIZED EXPERTISE IN SEXUAL OFFENDER-SPECIFIC POLYGRAPH**
14 **EXAMINATION;**

15 [(vii)] (VIII) a representative of a local law enforcement unit **WITH**
16 **EXPERTISE IN THE INVESTIGATION OF SEXUALLY VIOLENT CRIMES AND**
17 **ELECTRONIC DISTRIBUTION OF CHILD PORNOGRAPHY; and**

18 [(viii)] (IX) two citizen members.

19 (c) (1) The term of a member appointed by the Governor is 4 years.

20 (2) The terms of the appointed members are staggered as required by
21 the terms provided for members of the Board on the effective date of [Chapter 4 of the
22 Acts of the General Assembly of the Special Session of 2006] (**CHAPTER ____**
23 **(H.B. ____/S.B.____) (9LR0201) OF THE ACTS OF THE GENERAL ASSEMBLY OF**
24 **2009.**

25 (3) At the end of a term an appointed member continues to serve until
26 a successor is appointed and qualifies.

27 (4) A member who is appointed after a term has begun serves only for
28 the rest of the term and until a successor is appointed and qualifies.

29 (5) A member whose term has expired may be reappointed to the
30 Board.

31 (d) A Board member:

1 (1) may not receive compensation for serving on the Board; but

2 (2) is entitled to reimbursement for expenses under the Standard
3 State Travel Regulations, as provided in the State budget.

4 (e) [The Governor shall select a chairman from among the Board's members]
5 **THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES AND THE**
6 **SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL SERVE AS COCHAIRS OF**
7 **THE BOARD.**

8 (f) (1) A majority of the Board's members constitutes a quorum.

9 (2) The Board may adopt rules for conducting business.

10 (3) The Board shall meet at least twice annually at the times and
11 places determined by the Board.

12 (g) The Board shall:

13 (1) [review technology for the tracking of offenders] **IN**
14 **COLLABORATION WITH THE DEPARTMENT OF PUBLIC SAFETY AND**
15 **CORRECTIONAL SERVICES, THE MARYLAND JUDICIARY, AND THE MARYLAND**
16 **PAROLE COMMISSION, DEVELOP CRITERIA FOR MEASURING A REGISTRANT'S**
17 **PROGRESS IN TREATMENT IN ORDER TO ASSIST THE COMMITTEE IN**
18 **DETERMINING WHETHER A REGISTRANT MAY BE APPROPRIATELY RELEASED**
19 **FROM EXTENDED SEXUAL OFFENDER SUPERVISION;**

20 (2) review the effectiveness of the State's laws concerning sexual
21 offenders;

22 (3) review the laws of other states and jurisdictions concerning sexual
23 offenders;

24 (4) review practices and procedures of the Maryland Parole
25 Commission and the Division of Parole and Probation concerning supervision and
26 monitoring of sexual offenders;

27 (5) review developments in the treatment, **MANAGEMENT**, and
28 assessment of sexual offenders, **INCLUDING:**

29 (I) **EXISTING AND EMERGING TECHNOLOGY FOR THE**
30 **TRACKING OF SEXUAL OFFENDERS; AND**

31 (II) **THE NEED FOR HOUSING OF TRANSIENT AND**
32 **DISPLACED SEXUAL OFFENDERS;**

1 (6) develop standards for **THE CERTIFICATION OF** sexual offender
2 treatment **PROVIDERS** based on current and evolving [best] **EVIDENCE-BASED**
3 practices;

4 (7) certify State sexual offender treatment [programs] **PROVIDERS**
5 that are in compliance with the Board's standards; [and]

6 (8) [provide] **DEVELOP STANDARDS FOR** training [for] sexual
7 offender management teams; **AND**

8 **(9) CREATE AN OFFENDER REVIEW COMMITTEE.**

9 **(H) (1) THE OFFENDER REVIEW COMMITTEE CONSISTS OF THE**
10 **FOLLOWING MEMBERS OF THE SEXUAL OFFENDER ADVISORY BOARD OR THEIR**
11 **DESIGNEES:**

12 **(I) ONE LICENSED MENTAL HEALTH PROFESSIONAL WITH**
13 **RECOGNIZED EXPERTISE IN SEXUAL OFFENDER TREATMENT;**

14 **(II) ONE PAROLE AND PROBATION REPRESENTATIVE WITH**
15 **RECOGNIZED EXPERTISE IN THE MANAGEMENT OF SEXUAL OFFENDERS;**

16 **(III) ONE VICTIM ADVOCATE OR SERVICE PROVIDER WITH**
17 **RECOGNIZED EXPERTISE IN SEXUAL ABUSE AND VICTIMIZATION;**

18 **(IV) ONE MEMBER OF THE MARYLAND PAROLE**
19 **COMMISSION; AND**

20 **(V) ONE CITIZEN MEMBER.**

21 **(2) THE COMMITTEE SHALL:**

22 **(I) REVIEW THE SEXUAL OFFENDER PROGRESS REPORTS**
23 **SUBMITTED BY THE SEXUAL OFFENDER MANAGEMENT TEAMS; AND**

24 **(II) HEAR AND ADJUDICATE A REGISTRANT'S PETITION FOR**
25 **DISCHARGE FROM EXTENDED SEXUAL OFFENDER SUPERVISION.**

26 **(3) THE COMMITTEE MEMBERS AND THE BOARD MEMBERS ARE**
27 **IMMUNE FROM LIABILITY, WHETHER CIVIL OR CRIMINAL, FOR THE GOOD FAITH**
28 **PERFORMANCE OF THE DUTIES OF THE COMMITTEE AND THE BOARD AS**
29 **SPECIFIED IN THIS SECTION.**

1 [(h)] (I) On or before December 31, 2009, and every year thereafter, the
2 Board shall report the findings and recommendations of the Board to the Governor
3 and, in accordance with § 2-1246 of the State Government Article, the General
4 Assembly.

5 [(i)] (J) Each unit of State and local government shall cooperate with the
6 Board.

7 [(j)] (K) The Department of Public Safety and Correctional Services and the
8 Department of Health and Mental Hygiene shall provide staff to the Board.

9 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the
10 members of the Sexual Offender Advisory Board, who are appointed on or before
11 October 1, 2009, and who are subject to appointment, shall expire as follows:

12 (1) One citizen member in 2009;

13 (2) The licensed mental health professional with recognized expertise
14 in the treatment of adult sexual offenders in 2009;

15 (3) The licensed mental health professional with recognized expertise
16 in the treatment of juvenile sexual offenders in 2009;

17 (4) The licensed forensic psychiatrist with recognized expertise in the
18 pharmacological treatment of sexual offenders in 2009;

19 (5) The public defender in 2010;

20 (6) The representative of a local law enforcement unit with expertise
21 in the investigation of sexually violent crimes and electronic distribution of child
22 pornography in 2010;

23 (7) The State's Attorney with expertise in postconviction sexual
24 offender-specific polygraph examination in 2010;

25 (8) The polygraph examiner with recognized expertise in
26 postconviction sexual offender-specific polygraph examination in 2010;

27 (9) One citizen member in 2012; and

28 (10) The member of the victim's advocacy organization or victim service
29 provider in 2012.

30 SECTION 3. AND IT BE FURTHER ENACTED, That this Act shall take effect
31 October 1, 2009.