

# HOUSE BILL 1400

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HB 1450/08 – JUD

9lr0201

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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

Re-referred to: Judiciary, March 2, 2009

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2009

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

1 AN ACT concerning

2 **Criminal Procedure – Sexual Offenders – Homeless Registrants, and**  
3 **Supervision, ~~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~~ where  
9 the 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

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

43 BY repealing and reenacting, with amendments,  
44 Article – Correctional Services  
45 Section 7–206  
46 Annotated Code of Maryland  
47 (2008 Replacement Volume and 2008 Supplement)

1 BY repealing and reenacting, without amendments,  
2 Article – Criminal Law  
3 Section 3–303 and 3–305  
4 Annotated Code of Maryland  
5 (2002 Volume and 2008 Supplement)

6 BY repealing and reenacting, with amendments,  
7 Article – Criminal Procedure  
8 Section 11–701, 11–705 through 11–709, 11–710(a), 11–713, 11–714, 11–717,  
9 11–718(a), and 11–722 through 11–726  
10 Annotated Code of Maryland  
11 (2008 Replacement Volume)

12 BY repealing and reenacting, with amendments,  
13 Article – Public Safety  
14 Section 1–401  
15 Annotated Code of Maryland  
16 (2003 Volume and 2008 Supplement)

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

19 **Article – Correctional Services**

20 7–206.

21 The Commission shall:

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

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

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

28 (i) concerning parole of an inmate under a sentence of life  
29 imprisonment; and

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

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

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

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

### 7 **Article – Criminal Law**

8 3–303.

9 (a) A person may not:

10 (1) engage in vaginal intercourse with another by force, or the threat  
11 of force, without the consent of the other; and

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

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

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

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

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

22 (b) A person may not violate subsection (a) of this section while also violating  
23 § 3–503(a)(2) of this title involving a victim who is a child under the age of 16 years.

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

26 (d) (1) Except as provided in paragraphs (2), (3), and (4) of this  
27 subsection, a person who violates subsection (a) of this section is guilty of the felony of  
28 rape in the first degree and on conviction is subject to imprisonment not exceeding life.

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

1           (3) A person who violates subsection (a) or (b) of this section is guilty  
2 of the felony of rape in the first degree and on conviction is subject to imprisonment  
3 not exceeding life without the possibility of parole if the defendant was previously  
4 convicted of violating this section or § 3–305 of this subtitle.

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

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

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

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

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

20 3–305.

21           (a) A person may not:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### 31 **Article – Criminal Procedure**

32 11–701.

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

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

1 (c) "Child sexual offender" means a person who:

2 (1) has been convicted of violating § 3-602 of the Criminal Law  
3 Article;

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

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

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

13 (d) ["Commission" means the Maryland Parole Commission.]  
14 **"COMMITTEE" MEANS THE OFFENDER REVIEW COMMITTEE.**

15 (e) "Employment" means an occupation, job, or vocation that is full time or  
16 part time for a period exceeding 14 days or for an aggregate period exceeding 30 days  
17 during a calendar year, whether financially compensated, volunteered, or for the  
18 purpose of government or educational benefit.

19 [(f) "Extended parole supervision offender" means a person who:

20 (1) is a sexually violent predator;

21 (2) has been convicted of a violation of § 3-303, § 3-304, § 3-305, §  
22 3-306(a)(1) or (2), or § 3-307(a)(1) or (2) of the Criminal Law Article;

23 (3) has been convicted of a violation of § 3-309, § 3-310, or § 3-311 of  
24 the Criminal Law Article or an attempt to commit a violation of § 3-306(a)(1) or (2) of  
25 the Criminal Law Article;

26 (4) has been convicted of a violation of § 3-602 of the Criminal Law  
27 Article for commission of a sexual act involving penetration of a child under the age of  
28 12 years; or

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

31 (f) **"HABITUALLY LIVES" MEANS ANY PLACE WHERE A PERSON LIVES**  
32 **WITH ANY REGULARITY, INCLUDING WHERE A HOMELESS PERSON IS STATIONED**  
33 **DURING THE DAY OR SLEEPS AT NIGHT.**





- 1 (iii) release from a correctional facility with no required period of  
 2 supervision;
- 3 (iv) work release;
- 4 (v) placement on home detention; [and]
- 5 (vi) the first instance of entry into the community that is part of  
 6 a supervising authority's graduated release program;

7 **(VII) PLACEMENT ON PROBATION; ~~AND~~ OR**

8 **(VIII) GRANTING OF PROBATION BEFORE JUDGMENT.**

9 (3) "Release" does not include:

- 10 (i) an escape; or
- 11 (ii) leave that is granted on an emergency basis.

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

- 13 (1) has been convicted of a sexually violent offense; or
- 14 (2) has been convicted of an attempt to commit a sexually violent  
 15 offense.

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

- 17 (1) a violation of §§ 3-303 through 3-307 or §§ 3-309 through 3-312 of  
 18 the Criminal Law Article;
- 19 (2) assault with intent to commit rape in the first or second degree or  
 20 a sexual offense in the first or second degree as prohibited on or before September 30,  
 21 1996, under former Article 27, § 12 of the Code; or
- 22 (3) a crime committed in another state or in a federal, military, or  
 23 Native American tribal jurisdiction that, if committed in this State, would constitute  
 24 one of the crimes listed in item (1) or (2) of this subsection.

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

- 26 (1) a person who:
- 27 (i) is convicted of a sexually violent offense; and

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

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

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

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

9 (2) the administrator of a local correctional facility, if the registrant,  
10 including a participant in a home detention program, is in the custody of the local  
11 correctional facility;

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

15 (4) the Director of the Patuxent Institution, if the registrant is in the  
16 custody of the Patuxent Institution;

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

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

22 (7) the Secretary, if the registrant is in the State under terms and  
23 conditions of the Interstate Compact for Adult Offender Supervision, set forth in Title  
24 6, Subtitle 2 of the Correctional Services Article, or the Interstate Corrections  
25 Compact, set forth in Title 8, Subtitle 6 of the Correctional Services Article;

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

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

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

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

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

6 [(n)] (O) "Transient" means a nonresident registrant who enters a county of  
7 this State with the intent to be in the State or is in the State for a period exceeding 14  
8 days or for an aggregate period exceeding 30 days during a calendar year for a purpose  
9 other than employment or to attend an educational institution.

10 11-705.

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

14 (1) is released;

15 (2) [is granted probation;

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

17 [(4)] (3) receives a sentence that does not include a term of  
18 imprisonment.

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

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

22 (i) is released;

23 (ii) [is granted probation before judgment;

24 (iii) is granted probation after judgment;

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

26 [(v)] (III) receives a sentence that does not include a term of  
27 imprisonment;

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

1 (i) establishes a temporary or permanent residence in the  
2 State; [or]

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

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

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

7 (i) begins employment in the State;

8 (ii) registers as a student in the State; or

9 (iii) enters the State as a transient.

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

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

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

16 (2) Within 7 days after registering with the supervising authority, a  
17 child sexual offender who is not a resident and has entered the State under §  
18 11-704(a)(7) of this subtitle shall also register in person with the local law  
19 enforcement unit of the county where the child sexual offender is a transient or will  
20 work or attend school.

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

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

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

28 **(II) WITHIN 24 HOURS AFTER ENTERING AND REMAINING IN**  
29 **A COUNTY.**

30 **(2) AFTER INITIALLY REGISTERING WITH THE LOCAL LAW**  
31 **ENFORCEMENT UNIT UNDER THIS SUBSECTION, A HOMELESS REGISTRANT**

1 SHALL REGISTER ONCE A ~~WEEK~~ MONTH IN PERSON DURING THE TIME THE  
2 HOMELESS REGISTRANT HABITUALLY LIVES IN THE COUNTY.

3 (3) (I) EACH TIME A HOMELESS REGISTRANT REGISTERS WITH  
4 THE LOCAL LAW ENFORCEMENT UNIT, THE REGISTRANT SHALL PROVIDE THE  
5 FOLLOWING INFORMATION:

6 1. THE REGISTRANT'S FULL NAME;

7 2. THE DATE AND PLACE OF BIRTH OF THE  
8 REGISTRANT;

9 3. THE REGISTRANT'S PLACE OF EMPLOYMENT;

10 4. A DESCRIPTION OF THE CRIME FOR WHICH THE  
11 REGISTRANT WAS CONVICTED;

12 5. THE DATE THAT THE REGISTRANT WAS  
13 CONVICTED;

14 6. THE JURISDICTION IN WHICH THE REGISTRANT  
15 WAS CONVICTED;

16 7. A LIST OF ANY ALIASES THAT THE REGISTRANT  
17 HAS USED; AND

18 8. THE REGISTRANT'S SOCIAL SECURITY NUMBER.

19 (II) THE FIRST TIME A HOMELESS REGISTRANT REGISTERS  
20 IN A COUNTY, THE LOCAL LAW ENFORCEMENT UNIT SHALL ALSO OBTAIN A  
21 DIGITAL IMAGE AND FINGERPRINTS OF THE REGISTRANT.

22 (4) ~~A HOMELESS REGISTRANT MAY BE REQUIRED TO GIVE THE~~  
23 ~~LOCAL LAW ENFORCEMENT UNIT MORE INFORMATION THAN REQUIRED UNDER~~  
24 ~~PARAGRAPH (3) OF THIS SUBSECTION AND § 11-706 OF THIS SUBTITLE.~~

25 ~~(5)~~ THE REGISTRATION REQUIREMENTS UNDER THIS  
26 SUBSECTION ARE IN ADDITION TO ANY OTHER REQUIREMENTS THE HOMELESS  
27 REGISTRANT IS SUBJECT TO ACCORDING TO THE REGISTRANT'S  
28 CLASSIFICATION AS AN OFFENDER, CHILD SEXUAL OFFENDER, SEXUALLY  
29 VIOLENT OFFENDER, OR SEXUALLY VIOLENT PREDATOR.

30 ~~(6)~~ (5) IF A REGISTRANT WHO WAS HOMELESS OBTAINS A  
31 FIXED ADDRESS, THE REGISTRANT SHALL REGISTER WITH THE APPROPRIATE

1 **SUPERVISING AUTHORITY AND LOCAL LAW ENFORCEMENT UNIT WITHIN 5 DAYS**  
2 **AFTER OBTAINING A FIXED ADDRESS.**

3 [(d)] (E) A registrant who changes residences **OR CHANGES THE COUNTY**  
4 **IN WHICH THE REGISTRANT HABITUALLY LIVES** shall send written notice of the  
5 change to the State registry within 5 days after the change occurs.

6 [(e)] (F) (1) A registrant who commences or terminates enrollment as a  
7 full-time or part-time student at an institution of higher education in the State shall  
8 send written notice to the State registry within 5 days after the commencement or  
9 termination of enrollment.

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

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

17 11-706.

18 (a) A registration statement shall include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (3) offense history; and

17 (4) documentation of treatment received for a mental abnormality or  
18 personality disorder.

19 11-707.

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

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

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

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

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

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

6                   (4)    The term of registration is:

7                   (i)    10 years; or

8                   (ii)   life, if:

9                               1.    the registrant is a sexually violent predator;  
10                               2.    the registrant has been convicted of a sexually violent  
11 offense;

12                               3.    the registrant has been convicted of a violation of §  
13 3–602 of the Criminal Law Article for commission of a sexual act involving penetration  
14 of a child under the age of 12 years; or

15                               4.    the registrant has been convicted of a prior crime as a  
16 child sexual offender, an offender, or a sexually violent offender.

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

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

21                               (1)    the last date of release; **OR**

22                               (2)    [the date granted probation; or

23                               (3)]   the date granted a suspended sentence.

24 11–708.

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

26                               (1)    give written notice to the registrant of the requirements of this  
27 subtitle;

28                               (2)    explain the requirements of this subtitle to the registrant,  
29 including:



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

4 (ii) the duties of a registrant under § [11-705(e) and (f)]  
5 **11-705(F) AND (G)** of this subtitle;

6 (iii) the requirement for a child sexual offender to register in  
7 person with the local law enforcement unit of the county where the child sexual  
8 offender will reside or where the child sexual offender who is not a resident of this  
9 State is a transient or will work or attend school; and

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

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

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

20 (2) For a registrant who has not submitted a DNA sample, as defined  
21 in § 2-501 of the Public Safety Article, for inclusion in the statewide DNA database  
22 system of the Department of State Police Crime Laboratory, the supervising authority  
23 shall:

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

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

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

30 (c) (1) 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 local law  
33 enforcement unit in the county where the registrant will reside **OR HABITUALLY LIVE**  
34 or where a registrant who is not a resident is a transient or will work or attend school.

35 (2) (i) If the registrant is enrolled in or carries on employment at,  
36 or is expecting to enroll in or carry on employment at, an institution of higher

1 education in the State, within 5 days after obtaining a registration statement, the  
2 supervising authority shall send a copy of the registration statement with the attached  
3 fingerprints and [photograph] **DIGITAL IMAGE** of the registrant to the campus police  
4 agency of the institution of higher education.

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

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

12 11-709.

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

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

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

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

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

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

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

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

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

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

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

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

29 (1) family day care homes or child care centers registered [or  
30 licensed], **LICENSED, OR ISSUED A LETTER OF COMPLIANCE** under Title 5, Subtitle  
31 5 of the Family Law Article;

32 (2) child recreation facilities;

33 (3) faith institutions; and

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

1 11-710.

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

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

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

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

14 11-713.

15 The Department:

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

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

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

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

26 11-714.

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

30 11-717.

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

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

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

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

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

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

18 11-718.

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

25           (2) This notice is in addition to the notice required under §  
26 11-709(b)(1) of this subtitle.

27 11-722.

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

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

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

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

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

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

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

9 (2) on which is located:

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

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

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

18 (d) A person who violates this section is guilty of a misdemeanor and on  
19 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding  
20 \$5,000 or both.

21 11-723.

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

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

26 (2) **A PERSON WHO HAS BEEN CONVICTED OF A VIOLATION OF §**  
27 **3-303, § 3-304, § 3-305, § 3-306(A)(1) OR (2), OR § 3-307(A)(1) OR (2) OF THE**  
28 **CRIMINAL LAW ARTICLE;**

29 (3) **A PERSON WHO HAS BEEN CONVICTED OF A VIOLATION OF §**  
30 **3-309, § 3-310, OR § 3-111 OF THE CRIMINAL LAW ARTICLE OR AN ATTEMPT TO**  
31 **COMMIT A VIOLATION OF § 3-306(A)(1) OR (2) OF THE CRIMINAL LAW ARTICLE;**

1           (4) A PERSON WHO HAS BEEN CONVICTED OF A VIOLATION OF §  
2 **3-602 OF THE CRIMINAL LAW ARTICLE FOR THE COMMISSION OF A SEXUAL ACT**  
3 **INVOLVING PENETRATION OF A CHILD UNDER THE AGE OF 12 YEARS; AND**

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

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

10           [(1)] (I) be [a minimum of 3 years to a maximum of] a term of life,  
11 **UNLESS A PETITION FOR DISCHARGE UNDER § 11-724(B) OF THIS SUBTITLE IS**  
12 **GRANTED**; and

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

15           (2) **THE CONDITIONS OF EXTENDED SEXUAL OFFENDER**  
16 **SUPERVISION SHALL COMMENCE ON RELEASE OF THE DEFENDANT FROM**  
17 **INCARCERATION OR ON IMPOSITION OF PROBATION.**

18           (c) **IN ACCORDANCE WITH § 6-112 OF THE CORRECTIONAL SERVICES**  
19 **ARTICLE, THE SENTENCING COURT SHALL REQUIRE A PRESENTENCE**  
20 **INVESTIGATION TO INCLUDE A SEXUAL OFFENDER SPECIFIC RISK ASSESSMENT**  
21 **AND EVALUATION OF THE RISK OF RE-OFFENDING TO DETERMINE THE**  
22 **APPROPRIATE APPLICATION OF THE EXTENDED SEXUAL OFFENDER**  
23 **SUPERVISION CONDITIONS.**

24           (d) (1) **THE SENTENCING COURT SHALL IMPOSE SPECIAL**  
25 **CONDITIONS OF EXTENDED SEXUAL OFFENDER SUPERVISION ON THE**  
26 **DEFENDANT BASED ON THE PRESENTENCE INVESTIGATION.**

27           (2) **THE CONDITIONS OF EXTENDED SEXUAL OFFENDER**  
28 **SUPERVISION MAY INCLUDE:**

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

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

1 (III) RESTRICTING A REGISTRANT FROM OBTAINING  
2 EMPLOYMENT OR FROM PARTICIPATING IN AN ACTIVITY THAT WOULD BRING  
3 THE REGISTRANT INTO CONTACT WITH MINORS;

4 (IV) REQUIRING A REGISTRANT TO PARTICIPATE IN A  
5 CERTIFIED SEXUAL OFFENDER TREATMENT PROGRAM;

6 (V) PROHIBITING A REGISTRANT FROM USING ILLICIT  
7 DRUGS OR ALCOHOL;

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

11 (VII) REQUIRING A REGISTRANT TO TAKE REGULAR  
12 POLYGRAPH EXAMINATIONS; AND

13 (VIII) PROHIBITING A REGISTRANT FROM CONTACTING  
14 SPECIFIC INDIVIDUALS OR CATEGORIES OF INDIVIDUALS.

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

20 (4) THE IMPOSITION OR ADJUSTMENT OF THE SPECIAL  
21 CONDITIONS IMPOSED ON A REGISTRANT SHALL BE CONSIDERED A  
22 POSTSENTENCING COURT PROCEEDING UNDER § 11-503(A) OF THIS TITLE.

23 (E) WHEN IMPOSING EXTENDED SEXUAL OFFENDER SUPERVISION, THE  
24 SENTENCING COURT SHALL:

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

28 (2) HEAR AND ADJUDICATE CASES OF EXTENDED SEXUAL  
29 OFFENDER SUPERVISION VIOLATIONS; AND

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



1 [(a) The Maryland Parole Commission shall:

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

5 (2) hear and adjudicate cases of extended sexual offender parole  
6 supervision violations; and

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

9 ~~(A) A REGISTRANT SUBJECT TO EXTENDED SEXUAL OFFENDER~~  
10 ~~SUPERVISION MAY NOT KNOWINGLY OR WILLFULLY VIOLATE THE CONDITIONS~~  
11 ~~OF THE EXTENDED SEXUAL OFFENDER SUPERVISION IMPOSED UNDER § 11-723~~  
12 ~~OF THIS SUBTITLE.~~

13 ~~(B) IN ADDITION TO ANY SANCTIONS IMPOSED UNDER § 11-723(E) OF~~  
14 ~~THIS SUBTITLE, A REGISTRANT WHO VIOLATES ANY CONDITIONS IMPOSED~~  
15 ~~UNDER § 11-723 OF THIS SUBTITLE:~~

16 ~~(1) FOR A FIRST OFFENSE, IS GUILTY OF A MISDEMEANOR AND ON~~  
17 ~~CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A~~  
18 ~~FINE NOT EXCEEDING \$5,000 OR BOTH; AND~~

19 ~~(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IS GUILTY OF A~~  
20 ~~FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5~~  
21 ~~YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.~~

22 ~~(b)(c)~~ (A) Imprisonment for an extended sexual offender [parole]  
23 supervision violation is not subject to diminution credits.

24 [(c) Specific conditions of extended sexual offender parole supervision shall  
25 commence upon release of the extended parole supervision offender from incarceration  
26 or imposition of probation on the extended parole supervision offender and may  
27 include:

28 (1) monitoring a registrant through global positioning satellite  
29 tracking technology;

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

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

1 (4) requiring a registrant to participate in a certified sexual offender  
2 treatment program;

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

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

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

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

9 ~~(d)~~ **(B)** (1) The [Commission] **OFFENDER REVIEW COMMITTEE** shall  
10 hear ~~and adjudicate~~ a petition for discharge from **A REGISTRANT ON** extended sexual  
11 offender [parole] supervision ~~from a registrant~~ **AND MAKE A RECOMMENDATION TO**  
12 **THE COURT REGARDING THE PETITION.**

13 (2) A registrant may file a petition for discharge after serving at least  
14 3 years of extended sexual offender [parole] supervision.

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

17 (4) A petition for discharge shall include:

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

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

23 (5) The [Commission] **COMMITTEE** may not ~~discharge~~ **RECOMMEND**  
24 **TO THE COURT THE DISCHARGE OF** a registrant from extended sexual offender  
25 [parole] supervision unless the [Commission] **COMMITTEE** determines that the  
26 petitioner no longer poses an unacceptable risk to community safety.

27 [(e) The Commission shall have all of the powers set forth in § 7-205 of the  
28 Correctional Services Article for the purpose of carrying out the duties of the  
29 Commission under this subtitle.]

30 [(f)] ~~(6)~~ **(C)** The [Commission] **SEXUAL OFFENDER ADVISORY**  
31 **BOARD** shall appoint an administrator to coordinate the [requirements of extended

1 sexual offender parole supervision] **ACTIVITIES AND DUTIES OF THE COMMITTEE**  
2 under this subtitle.

3 11-725.

4 (a) Under the supervision of the Division of Parole and Probation, a sexual  
5 offender management team shall conduct extended sexual offender [parole]  
6 supervision and the supervision of probation, parole, or mandatory release of a  
7 registrant subject to extended sexual offender [parole] supervision.

8 (b) A sexual offender management team:

9 (1) consists of:

10 (i) a specially trained parole **AND PROBATION** agent; and

11 (ii) a representative of a [certified sex offender treatment  
12 provider] **SEXUAL OFFENDER TREATMENT PROGRAM OR PROVIDER CERTIFIED**  
13 **BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE AND BY THE SEXUAL**  
14 **OFFENDER ADVISORY BOARD**; and

15 (2) may include:

16 (i) victim advocates **OR VICTIM SERVICE PROVIDERS WITH**  
17 **RECOGNIZED EXPERTISE IN SEXUAL ABUSE AND VICTIMIZATION**;

18 (ii) faith counselors;

19 (iii) employment counselors;

20 (iv) community leaders; [and]

21 (v) a [polygrapher] **POLYGRAPH EXAMINER WITH**  
22 **RECOGNIZED EXPERTISE IN SEXUAL OFFENDER-SPECIFIC POLYGRAPH**  
23 **EXAMINATION**:

24 (VI) **A LAW ENFORCEMENT OFFICER**;

25 (VII) **AN ASSISTANT STATE'S ATTORNEY**;

26 (VIII) **AN ASSISTANT PUBLIC DEFENDER**; AND

27 (IX) **A FOREIGN OR SIGN LANGUAGE INTERPRETER**.

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

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

6 11-726.

7 The [Commission] **COMMITTEE**, with the advice of the Sexual Offender  
8 Advisory Board established under § 1-401 of the Public Safety Article, shall adopt  
9 regulations necessary to carry out the duties of the [Commission] **COMMITTEE** under  
10 § 11-724 of this subtitle.

### 11 **Article – Public Safety**

12 1-401.

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

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

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

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

20 **(3) THE SECRETARY OF JUVENILE SERVICES, OR THE**  
21 **SECRETARY'S DESIGNEE;**

22 **[(2)] (4)** the Director of the Division of Parole and Probation, or the  
23 Director's designee;

24 **[(3)] (5)** the Chairman of the Maryland Parole Commission, or the  
25 Chairman's designee;

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

28 **[(4)] (7)** the Executive Director of the Mental Hygiene  
29 Administration of the Department of Health and Mental Hygiene, or the Executive  
30 Director's designee;

1                    [(5)] (8)     the Secretary of State Police, or the Secretary's designee;  
2 and

3                    [(6)] (9)     the following members, appointed by the Governor:

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

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

10                    (iii)    **A LICENSED MENTAL HEALTH PROFESSIONAL WITH**  
11 **RECOGNIZED EXPERTISE IN THE TREATMENT OF JUVENILE SEXUAL**  
12 **OFFENDERS;**

13                    (iv)    **A LICENSED FORENSIC PSYCHIATRIST WITH**  
14 **RECOGNIZED EXPERTISE IN THE PHARMACOLOGICAL TREATMENT OF SEXUAL**  
15 **OFFENDERS;**

16                    [(iii)] (v)    a State's Attorney **WITH EXPERTISE IN THE**  
17 **PROSECUTION OF SEXUAL AND CHILD ABUSE CRIMES;**

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

19                    (vi)    **A PUBLIC DEFENDER;**

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

21                    [(vi)] (vii) a [polygrapher] **POLYGRAPH EXAMINER WITH**  
22 **RECOGNIZED EXPERTISE IN SEXUAL OFFENDER-SPECIFIC POLYGRAPH**  
23 **EXAMINATION;**

24                    [(vii)] (viii) a representative of a local law enforcement unit **WITH**  
25 **EXPERTISE IN THE INVESTIGATION OF SEXUALLY VIOLENT CRIMES AND**  
26 **ELECTRONIC DISTRIBUTION OF CHILD PORNOGRAPHY; and**

27                    [(viii)] (ix) two citizen members.

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

29                    (2)    The terms of the appointed members are staggered as required by  
30 the terms provided for members of the Board on the effective date of [Chapter 4 of the  
31 Acts of the General Assembly of the Special Session of 2006] (**CHAPTER \_\_\_\_\_**

1 **(H.B. \_\_\_\_/S.B. \_\_\_\_)** (9LR0201) **OF THE ACTS OF THE GENERAL ASSEMBLY OF**  
2 **2009.**

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

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

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

9 (d) A Board member:

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

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

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

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

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

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

21 (g) The Board shall:

22 (1) [review technology for the tracking of offenders] **IN**  
23 **COLLABORATION WITH THE DEPARTMENT OF PUBLIC SAFETY AND**  
24 **CORRECTIONAL SERVICES, THE MARYLAND JUDICIARY, AND THE MARYLAND**  
25 **PAROLE COMMISSION, DEVELOP CRITERIA FOR MEASURING A REGISTRANT'S**  
26 **PROGRESS IN TREATMENT IN ORDER TO ASSIST THE COMMITTEE IN**  
27 **DETERMINING WHETHER A REGISTRANT MAY BE APPROPRIATELY RELEASED**  
28 **FROM EXTENDED SEXUAL OFFENDER SUPERVISION;**

29 (2) review the effectiveness of the State's laws concerning sexual  
30 offenders;

31 (3) review the laws of other states and jurisdictions concerning sexual  
32 offenders;

1 (4) review practices and procedures of the Maryland Parole  
2 Commission and the Division of Parole and Probation concerning supervision and  
3 monitoring of sexual offenders;

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

6 (I) **EXISTING AND EMERGING TECHNOLOGY FOR THE**  
7 **TRACKING OF SEXUAL OFFENDERS; AND**

8 (II) **THE NEED FOR HOUSING OF TRANSIENT AND**  
9 **DISPLACED SEXUAL OFFENDERS;**

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

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

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

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

18 (H) (1) **THE OFFENDER REVIEW COMMITTEE CONSISTS OF THE**  
19 **FOLLOWING MEMBERS OF THE SEXUAL OFFENDER ADVISORY BOARD OR THEIR**  
20 **DESIGNEES:**

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

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

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

27 (IV) **ONE MEMBER OF THE MARYLAND PAROLE**  
28 **COMMISSION; AND**

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

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

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

3                   **(II) HEAR ~~AND ADJUDICATE~~ A REGISTRANT'S PETITION FOR**  
4 **DISCHARGE FROM EXTENDED SEXUAL OFFENDER SUPERVISION AND MAKE A**  
5 **RECOMMENDATION TO THE SENTENCING COURT TO EITHER APPROVE OR DENY**  
6 **THE REGISTRANT'S PETITION.**

7                   **(3) THE COMMITTEE MEMBERS AND THE BOARD MEMBERS ARE**  
8 **IMMUNE FROM LIABILITY, WHETHER CIVIL OR CRIMINAL, FOR THE GOOD FAITH**  
9 **PERFORMANCE OF THE DUTIES OF THE COMMITTEE AND THE BOARD AS**  
10 **SPECIFIED IN THIS SECTION.**

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

15           **[(i)] (J)** Each unit of State and local government shall cooperate with the  
16 Board.

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

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

22                   (1) One citizen member in 2009;

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

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

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

29                   (5) The public defender in 2010;

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



1           (7) The State’s Attorney with expertise in postconviction sexual  
2 offender–specific polygraph examination in 2010;

3           (8) The polygraph examiner with recognized expertise in  
4 postconviction sexual offender–specific polygraph examination in 2010;

5           (9) One citizen member in 2012; and

6           (10) The member of the victim’s advocacy organization or victim service  
7 provider in 2012.

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.