

HB0879/832316/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 879

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 3 down through “circumstances;” in line 15 and substitute “expanding the duties of the Sexual Offender Advisory Board to include reviewing certain policies, procedures, impacts, and laws and making certain recommendations relating to protecting residents and employees of nursing homes and assisted living facilities and the family members of residents from sexual offenders; requiring the Sexual Offender Advisory Board to submit a certain report on or before a certain date; providing for the termination of this Act;”.

On pages 1 and 2, strike in their entirety the lines beginning with line 17 on page 1 through line 1 on page 2, inclusive, and substitute:

“BY repealing and reenacting, without amendments,

Article – Public Safety

Section 1-401(a)

Annotated Code of Maryland

(2003 Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 1-401(g)

Annotated Code of Maryland

(2003 Volume and 2009 Supplement)”.

AMENDMENT NO. 2

(Over)

On pages 2 through 5, strike in their entirety the lines beginning with line 4 on page 2 through line 18 on page 5, inclusive, and substitute:

“Article – Public Safety

1–401.

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

(g) The Board shall:

(1) review technology for the tracking of offenders;

(2) review the effectiveness of the State’s laws concerning sexual offenders;

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

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

(5) review developments in the treatment and assessment of sexual offenders;

(6) develop standards for sexual offender treatment based on current and evolving best practices;

(7) certify State sexual offender treatment programs that are in compliance with the Board’s standards; [and]

(8) provide training for sexual offender management teams; AND

(9) (I) REVIEW THE POLICIES AND PROCEDURES RELATING TO:

1. ENSURING THE PROTECTION OF RESIDENTS OF NURSING HOMES AND ASSISTED LIVING FACILITIES WHERE SEXUAL OFFENDERS RESIDE OR MAY RESIDE;

2. NOTIFYING RESIDENTS AND EMPLOYEES OF NURSING HOMES AND ASSISTED LIVING FACILITIES AND FAMILY MEMBERS OF RESIDENTS OF THE PRESENCE OF SEXUAL OFFENDERS WHO RESIDE IN THE NURSING HOME OR ASSISTED LIVING FACILITY;

3. EMPLOYING SEXUAL OFFENDERS IN NURSING HOMES OR ASSISTED LIVING FACILITIES; AND

4. REQUIRING LAW ENFORCEMENT NOTIFICATION TO NURSING HOMES AND ASSISTED LIVING FACILITIES IF A SEXUAL OFFENDER RESIDES IN THE NURSING HOME OR ASSISTED LIVING FACILITY;

(II) REVIEW THE LAWS OF OTHER STATES AND JURISDICTIONS CONCERNING PROTECTING RESIDENTS OF NURSING HOMES AND ASSISTED LIVING FACILITIES FROM SEXUAL OFFENDERS;

(III) REVIEW AND REPORT ON THE POTENTIAL IMPACT ON HEALTH CARE PROVIDERS OF RECOMMENDED CHANGES IN POLICIES AND PROCEDURES CONCERNING SEXUAL OFFENDERS IN NURSING HOMES AND ASSISTED LIVING FACILITIES; AND

(Over)

(IV) MAKE RECOMMENDATIONS FOR PROTECTING RESIDENTS AND EMPLOYEES OF NURSING HOMES AND ASSISTED LIVING FACILITIES AND THE FAMILY MEMBERS OF RESIDENTS FROM SEXUAL OFFENDERS.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2011, the Sexual Offender Advisory Board shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the Board's findings and recommendations related to the protection of residents and employees of nursing homes and assisted living facilities and the family members of residents from sexual offenders.”;

in line 19, strike “2.” and substitute “3.”; and in line 20, after the period insert “It shall remain effective for a period of 1 year and 3 months and, at the end of December 31, 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.