

HOUSE BILL 473

E4

0lr0184
CF SB 280

By: **The Speaker (By Request - Administration) and Delegates Busch, Vallario, Rosenberg, Ali, Anderson, Barkley, Barnes, Bartlett, Barve, Beidle, Branch, Bromwell, Cardin, Carr, Conway, Davis, DeBoy, Doory, Dumais, Dwyer, Eckardt, Elmore, Feldman, Frank, Frick, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Guzzone, Haddaway, Hammen, Haynes, Healey, Hecht, Hixson, Holmes, Howard, Hubbard, Ivey, Jennings, Jones, Kaiser, Kelly, King, Kirk, Kramer, Lee, Levi, Levy, Love, Malone, Manno, Mathias, McComas, McConkey, McDonough, McHale, McIntosh, Miller, Montgomery, Morhaim, Murphy, Niemann, O'Donnell, Oaks, Olszewski, Pena-Melnyk, Proctor, Ramirez, Reznik, Rice, Ross, Rudolph, Shewell, Smigiel, Stein, Stifler, Tarrant, Taylor, V. Turner, Valderrama, Vaughn, ~~and Walker~~ Walker, and Conaway**

Introduced and read first time: January 29, 2010

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 17, 2010

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure - Sexual Offenders - Lifetime Supervision**

3 FOR the purpose of repealing the requirement that the Maryland Parole Commission
4 administer extended sexual offender parole supervision; altering certain
5 provisions relating to extended sexual offender supervision of certain offenders;
6 altering the term for certain extended sexual offender supervision; requiring a
7 sentence for certain persons to include a term of lifetime sexual offender
8 supervision; altering the term of lifetime sexual offender supervision;
9 establishing that lifetime sexual offender supervision is imposed on a defendant
10 for a crime committed on or after a certain date; requiring a certain sentencing
11 court to impose certain conditions of lifetime sexual offender supervision and to
12 advise certain persons of the conditions of lifetime sexual offender supervision;
13 requiring the sentencing court to order a presentence investigation under
14 certain circumstances; authorizing a certain sentencing court to adjust certain

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 conditions of lifetime sexual offender supervision under certain circumstances;
 2 clarifying that the imposition or adjustment of special conditions of lifetime
 3 sexual offender supervision is a subsequent proceeding under a certain
 4 provision of law; establishing a certain offense and penalty for violation of
 5 lifetime sexual offender supervision; authorizing certain procedures for
 6 violations of lifetime sexual offender supervision; ~~requiring certain judges to~~
 7 ~~hear certain violations and certain petitions;~~ authorizing prohibiting a certain
 8 sentencing court ~~to deny~~ from denying a certain petition under certain
 9 circumstances; providing for the discharge of certain persons from lifetime
 10 sexual offender supervision under certain circumstances; clarifying that certain
 11 proceedings are a subsequent proceeding under a certain provision of law;
 12 requiring a certain sentencing court to hear and adjudicate certain petitions;
 13 altering the composition of a certain sexual offender management team;
 14 requiring certain progress reports of a certain sexual offender management
 15 team; authorizing the Department of Public Safety and Correctional Services to
 16 adopt certain regulations; making a certain technical correction; deleting
 17 certain terms; making certain conforming changes; and generally relating to
 18 sexual offender supervision.

19 BY repealing and reenacting, with amendments,
 20 Article – Correctional Services
 21 Section 7–206
 22 Annotated Code of Maryland
 23 (2008 Replacement Volume and 2009 Supplement)

24 BY repealing and reenacting, with amendments,
 25 Article – Criminal Procedure
 26 Section 11–701 and 11–723 through 11–726
 27 Annotated Code of Maryland
 28 (2008 Replacement Volume and 2009 Supplement)

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

31 **Article – Correctional Services**

32 7–206.

33 The Commission shall:

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

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

- 1 (3) review and make recommendations to the Governor:
- 2 (i) concerning parole of an inmate under a sentence of life
3 imprisonment; and
- 4 (ii) if requested by the Governor, concerning a pardon,
5 commutation of sentence, or other clemency;
- 6 (4) establish and modify general policy governing the conduct of
7 parolees; **AND**
- 8 (5) arrange for psychiatric or psychological examination of applicants
9 for parole whenever the Commission believes that an examination will better enable it
10 to decide on the advisability of parole and include the expense for the examination in
11 its annual budget[]; and
- 12 (6) administer extended sexual offender parole supervision under Title
13 11, Subtitle 7 of the Criminal Procedure Article].

14 **Article – Criminal Procedure**

15 11–701.

- 16 (a) In this subtitle the following words have the meanings indicated.
- 17 (b) “Board” means the Sexual Offender Advisory Board.
- 18 (c) “Child sexual offender” means a person who:
- 19 (1) has been convicted of violating § 3–602 of the Criminal Law
20 Article;
- 21 (2) has been convicted of violating any of the provisions of the rape or
22 sexual offense statutes under §§ 3–303 through 3–307 of the Criminal Law Article for
23 a crime involving a child under the age of 15 years;
- 24 (3) has been convicted of violating the fourth degree sexual offense
25 statute under § 3–308 of the Criminal Law Article for a crime involving a child under
26 the age of 15 years and has been ordered by the court to register under this subtitle;
- 27 (4) has been convicted in another state or in a federal, military, or
28 Native American tribal court of a crime that, if committed in this State, would
29 constitute one of the crimes listed in items (1) and (2) of this subsection; or
- 30 (5) (i) has been adjudicated delinquent for an act involving a
31 victim under the age of 15 years that would constitute a violation of § 3–303, § 3–304,
32 § 3–305, or § 3–306 of the Criminal Law Article if committed by an adult; and

1 (ii) meets the requirements for registration under § 11–704(c) of
2 this subtitle.

3 (d) [“Commission” means the Maryland Parole Commission.

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

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

9 (1) is a sexually violent predator;

10 (2) has been convicted of a violation of § 3–303, § 3–304, § 3–305, §
11 3–306(a)(1) or (2), or § 3–307(a)(1) or (2) of the Criminal Law Article;

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

15 (4) has been convicted of a violation of § 3–602 of the Criminal Law
16 Article for commission of a sexual act involving penetration of a child under the age of
17 12 years; or

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

20 [(g) (E) “Local law enforcement unit” means the law enforcement unit in a
21 county that has been designated by resolution of the county governing body as the
22 primary law enforcement unit in the county.

23 [(h) (F) “Offender” means a person who is ordered by a court to register
24 under this subtitle and who:

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

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

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

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

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

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

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

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

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

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

17 (2) “Release” means:

18 (i) release on parole;

19 (ii) mandatory supervision release;

20 (iii) release from a correctional facility with no required period of
21 supervision;

22 (iv) work release;

23 (v) placement on home detention; and

24 (vi) the first instance of entry into the community that is part of
25 a supervising authority’s graduated release program.

26 (3) “Release” does not include:

27 (i) an escape; or

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

29 **[(j)] (H)** “Sexually violent offender” means a person who:

- 1 (1) has been convicted of a sexually violent offense;
- 2 (2) has been convicted of an attempt to commit a sexually violent
3 offense; or
- 4 (3) (i) has been adjudicated delinquent for an act involving a
5 victim 15 years of age or older that would constitute a violation of § 3–303, § 3–304, §
6 3–305, or § 3–306 of the Criminal Law Article if committed by an adult; and
- 7 (ii) meets the requirements for registration under § 11–704(c) of
8 this subtitle.

9 **[(k)] (I)** “Sexually violent offense” means:

- 10 (1) a violation of §§ 3–303 through 3–307 or §§ 3–309 through 3–312 of
11 the Criminal Law Article;
- 12 (2) assault with intent to commit rape in the first or second degree or
13 a sexual offense in the first or second degree as prohibited on or before September 30,
14 1996, under former Article 27, § 12 of the Code; or
- 15 (3) a crime committed in another state or in a federal, military, or
16 Native American tribal jurisdiction that, if committed in this State, would constitute
17 one of the crimes listed in item (1) or (2) of this subsection.

18 **[(l)] (J)** “Sexually violent predator” means:

- 19 (1) a person who:
- 20 (i) is convicted of a sexually violent offense; and
- 21 (ii) has been determined in accordance with this subtitle to be at
22 risk of committing another sexually violent offense; or
- 23 (2) a person who is or was required to register every 90 days for life
24 under the laws of another state or a federal, military, or Native American tribal
25 jurisdiction.

26 **[(m)] (K)** “Supervising authority” means:

- 27 (1) the Secretary, if the registrant is in the custody of a correctional
28 facility operated by the Department;
- 29 (2) the administrator of a local correctional facility, if the registrant,
30 including a participant in a home detention program, is in the custody of the local
31 correctional facility;

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

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

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

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

11 (7) the Secretary, if the registrant is in the State under terms and
12 conditions of the Interstate Compact for Adult Offender Supervision, set forth in Title
13 6, Subtitle 2 of the Correctional Services Article, or the Interstate Corrections
14 Compact, set forth in Title 8, Subtitle 6 of the Correctional Services Article;

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

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

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

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

26 (12) the Director of Parole and Probation, if the registrant is under the
27 supervision of the Division of Parole and Probation; or

28 (13) the Secretary of Juvenile Services, if the registrant was a minor at
29 the time the act was committed for which registration is required.

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

1 (a) Except where a term of natural life without the possibility of parole is
 2 imposed, a sentence for [an extended parole supervision offender] **THE FOLLOWING**
 3 **PERSONS** shall include a term of [extended] **LIFETIME** sexual offender [parole]
 4 supervision:

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

6 (2) **A PERSON WHO HAS BEEN CONVICTED OF A VIOLATION OF §**
 7 **3-303, § 3-304, § 3-305, § 3-306(A)(1) OR (2), OR § 3-307(A)(1) OR (2) OF THE**
 8 **CRIMINAL LAW ARTICLE;**

9 (3) **A PERSON WHO HAS BEEN CONVICTED OF A VIOLATION OF §**
 10 **3-309, § 3-310, OR § 3-311 OF THE CRIMINAL LAW ARTICLE OR AN ATTEMPT TO**
 11 **COMMIT A VIOLATION OF § 3-306(A)(1) OR (2) OF THE CRIMINAL LAW ARTICLE;**

12 (4) **A PERSON WHO HAS BEEN CONVICTED OF A VIOLATION OF §**
 13 **3-602 OF THE CRIMINAL LAW ARTICLE FOR THE COMMISSION OF A SEXUAL ACT**
 14 **INVOLVING PENETRATION OF A CHILD UNDER THE AGE OF 12 YEARS; ~~AND~~**

15 (5) **A PERSON WHO IS REQUIRED TO REGISTER UNDER §**
 16 **11-704(C) OF THIS ARTICLE SUBTITLE; AND**

17 ~~(5) (6)~~ (6) **A PERSON WHO HAS BEEN CONVICTED MORE THAN**
 18 **ONCE OF A CRIME ~~AS A CHILD SEXUAL OFFENDER, AN OFFENDER, OR A~~**
 19 **~~SEXUALLY VIOLENT OFFENDER~~ THAT REQUIRES REGISTRATION AS A SEX**
 20 **OFFENDER UNDER THIS SUBTITLE.**

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

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

25 (2) commence on the expiration of the later of any term of
 26 imprisonment, probation, parole, or mandatory supervision.

27 (c) (1) **THE SENTENCING COURT SHALL IMPOSE SPECIAL**
 28 **CONDITIONS OF LIFETIME SEXUAL OFFENDER SUPERVISION ON THE PERSON AT**
 29 **THE TIME OF SENTENCING AND ADVISE THE PERSON OF THE LENGTH,**
 30 **CONDITIONS, AND CONSECUTIVE NATURE OF THAT SUPERVISION.**

31 (2) **BEFORE IMPOSING SPECIAL CONDITIONS, THE SENTENCING**
 32 **COURT SHALL ORDER A PRESENTENCE INVESTIGATION IN ACCORDANCE WITH §**
 33 **6-112 OF THE CORRECTIONAL SERVICES ARTICLE.**

1 **(3) THE CONDITIONS OF LIFETIME SEXUAL OFFENDER**
2 **SUPERVISION MAY INCLUDE:**

3 **(I) MONITORING THROUGH GLOBAL POSITIONING**
4 **SATELLITE TRACKING OR EQUIVALENT TECHNOLOGY;**

5 **(II) WHERE APPROPRIATE AND FEASIBLE, RESTRICTING A**
6 **PERSON FROM LIVING IN PROXIMITY TO OR LOITERING NEAR SCHOOLS, FAMILY**
7 **DAY CARE CENTERS, CHILD CARE CENTERS, AND OTHER PLACES USED**
8 **PRIMARILY BY MINORS;**

9 **(III) RESTRICTING A PERSON FROM OBTAINING**
10 **EMPLOYMENT OR FROM PARTICIPATING IN AN ACTIVITY THAT WOULD BRING**
11 **THE PERSON INTO CONTACT WITH MINORS;**

12 **(IV) REQUIRING A PERSON TO PARTICIPATE IN A CERTIFIED**
13 **SEXUAL OFFENDER TREATMENT PROGRAM;**

14 **(V) PROHIBITING A PERSON FROM USING ILLICIT DRUGS OR**
15 **ALCOHOL;**

16 **(VI) AUTHORIZING A PAROLE AND PROBATION AGENT TO**
17 **ACCESS THE PERSON'S PERSONAL COMPUTER TO CHECK FOR MATERIAL**
18 **RELATING TO SEXUAL RELATIONS WITH MINORS;**

19 **(VII) REQUIRING A PERSON TO TAKE REGULAR POLYGRAPH**
20 **EXAMINATIONS;**

21 **(VIII) PROHIBITING A PERSON FROM CONTACTING SPECIFIC**
22 **INDIVIDUALS OR CATEGORIES OF INDIVIDUALS; AND**

23 **(IX) ANY OTHER CONDITIONS DEEMED APPROPRIATE BY THE**
24 **SENTENCING COURT.**

25 **(4) THE SENTENCING COURT MAY ADJUST THE SPECIAL**
26 **CONDITIONS OF LIFETIME SEXUAL OFFENDER SUPERVISION, IN CONSULTATION**
27 **WITH THE PERSON'S SEXUAL OFFENDER MANAGEMENT TEAM.**

28 **(5) THE IMPOSITION OR ADJUSTMENT OF SPECIAL CONDITIONS**
29 **OF LIFETIME SEXUAL OFFENDER SUPERVISION IS A SUBSEQUENT PROCEEDING**
30 **UNDER § 11-503(A) OF THIS ARTICLE.**

31 11-724.

32 [(a) The Maryland Parole Commission shall:

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

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

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

8 **(A) A PERSON SUBJECT TO LIFETIME SEXUAL OFFENDER SUPERVISION**
9 **MAY NOT KNOWINGLY OR WILLFULLY VIOLATE THE CONDITIONS OF THE**
10 **LIFETIME SEXUAL OFFENDER SUPERVISION IMPOSED UNDER § 11-723 OF THIS**
11 **SUBTITLE.**

12 **(B) A PERSON WHO VIOLATES ANY CONDITIONS IMPOSED UNDER §**
13 **11-723 OF THIS SUBTITLE:**

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

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

20 **[(b)] (C) Imprisonment for [an extended] A LIFETIME sexual offender**
21 **[parole] supervision violation is not subject to diminution credits.**

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

26 (1) monitoring a registrant through global positioning satellite
27 tracking technology;

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

31 (3) restricting a registrant from obtaining employment or from
32 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) (1) A VIOLATION OF SUBSECTION (A) OF THIS SECTION DOES NOT
10 DISCHARGE A PERSON FROM LIFETIME SEXUAL OFFENDER SUPERVISION.

11 (2) ON RELEASE FROM A SENTENCE IMPOSED UNDER
12 SUBSECTION (B) OF THIS SECTION, A PERSON REMAINS ON LIFETIME SEXUAL
13 OFFENDER SUPERVISION, SUBJECT TO THE ORIGINAL TERMS OF SUPERVISION,
14 UNTIL DISCHARGED UNDER SUBSECTION (G) OF THIS SECTION.

15 (E) DURING THE PERIOD OF LIFETIME SEXUAL OFFENDER
16 SUPERVISION, THE COURT MAY:

17 (1) ~~ON WRITTEN CHARGES UNDER OATH OR ON VIOLATION OF A~~
18 ~~CONDITION OF SUPERVISION, ISSUE A WARRANT REQUIRING THE PERSON~~
19 ~~UNDER SUPERVISION TO BE BROUGHT OR TO APPEAR BEFORE THE JUDGE~~
20 ~~ISSUING THE WARRANT;~~

21 ~~(I) TO ANSWER THE CHARGE OF VIOLATION OF CONDITIONS~~
22 ~~OF SUPERVISION; AND~~

23 ~~(II) TO BE PRESENT FOR THE SETTING OF A HEARING DATE~~
24 ~~FOR THAT CHARGE;~~

25 ~~(2)~~ REMAND THE PERSON TO A CORRECTIONAL FACILITY OR
26 RELEASE THE PERSON WITH OR WITHOUT BAIL PENDING THE ~~HEARING OR~~
27 DETERMINATION OF THE A CHARGE OF VIOLATION OF A CONDITION OF
28 LIFETIME SEXUAL OFFENDER SUPERVISION; AND

29 ~~(3)~~ (2) IF ~~AT THE HEARING~~ THE COURT FINDS THAT THE
30 PERSON ~~VIOLATED~~ COMMITTED A VIOLATION OF A CONDITION OF SUPERVISION,
31 IMPOSE A SENTENCE AS PRESCRIBED IN SUBSECTION (B) OF THIS SECTION.

1 ~~(F) (1) THE JUDGE WHO ORIGINALLY IMPOSED THE LIFETIME~~
 2 ~~SEXUAL OFFENDER SUPERVISION SHALL HEAR ANY CHARGE OF VIOLATION OF~~
 3 ~~CONDITIONS OF SUPERVISION.~~

4 ~~(2) IF THE JUDGE HAS BEEN REMOVED FROM OFFICE, HAS DIED~~
 5 ~~OR RESIGNED, OR IS OTHERWISE INCAPACITATED, ANOTHER JUDGE MAY ACT IN~~
 6 ~~THE MATTER.~~

7 [(d)] ~~(G)~~ (F) (1) The [Commission] SENTENCING COURT shall hear and
 8 adjudicate a petition for discharge from [extended] LIFETIME sexual offender [parole]
 9 supervision [from a registrant].

10 (2) A [registrant] PERSON may file a petition for discharge after
 11 serving at least ~~3~~ 5 years of extended sexual offender [parole] supervision.

12 (3) If a petition for discharge is denied, a [registrant] PERSON may
 13 not renew the petition for a minimum of 1 year.

14 (4) A petition for discharge shall include:

15 (i) a risk assessment of the [registrant] PERSON conducted by
 16 a [certified] sexual offender treatment provider within 3 months before the date of the
 17 filing of the petition; and

18 (ii) a recommendation regarding the discharge of the
 19 [registrant] PERSON from the sexual offender management team.

20 (5) (I) The [Commission] SENTENCING COURT MAY NOT DENY A
 21 PETITION FOR DISCHARGE WITHOUT A HEARING.

22 (II) THE COURT may not discharge a [registrant] PERSON from
 23 [extended] LIFETIME sexual offender [parole] supervision unless the [Commission
 24 determines] COURT MAKES A FINDING ON THE RECORD that the petitioner ~~no~~
 25 ~~longer poses an unacceptable risk to community safety~~ IS NO LONGER A DANGER TO
 26 SELF OR OTHERS.

27 (6) (I) THE JUDGE WHO ORIGINALLY IMPOSED THE LIFETIME
 28 SEXUAL OFFENDER SUPERVISION SHALL HEAR A PETITION FOR DISCHARGE.

29 (II) IF THE JUDGE HAS BEEN REMOVED FROM OFFICE, HAS
 30 DIED OR RESIGNED, OR IS OTHERWISE INCAPACITATED, ANOTHER JUDGE MAY
 31 ACT IN THE MATTER.

32 (G) PROCEEDINGS UNDER THIS SECTION ARE A SUBSEQUENT
 33 PROCEEDING UNDER § 11-503(A) OF THIS ARTICLE.

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

4 (f) The Commission shall appoint an administrator to coordinate the
5 requirements of extended sexual offender parole supervision under this subtitle.]

6 11–725.

7 (a) Under the supervision of the Division of Parole and Probation, a sexual
8 offender management team shall conduct [extended] **LIFETIME** sexual offender
9 [parole] supervision and the supervision of probation, parole, or mandatory release of
10 a [registrant] **PERSON** subject to [extended] **LIFETIME** sexual offender [parole]
11 supervision.

12 (b) A sexual offender management team:

13 (1) consists of:

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

15 (ii) a representative of a [certified sex offender treatment
16 provider] **SEXUAL OFFENDER TREATMENT PROGRAM OR PROVIDER**; and

17 (2) may include:

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

20 (ii) faith counselors;

21 (iii) employment counselors;

22 (iv) community leaders; [and]

23 (v) a [polygrapher] **POLYGRAPH EXAMINER WITH**
24 **RECOGNIZED EXPERTISE IN SEXUAL OFFENDER–SPECIFIC POLYGRAPH**
25 **EXAMINATION**;

26 (vi) **A LAW ENFORCEMENT OFFICER**;

27 (vii) **AN ASSISTANT STATE’S ATTORNEY**;

28 (viii) **AN ASSISTANT PUBLIC DEFENDER; AND**

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

2 (c) (1) A sexual offender management team shall submit a progress report
3 on each [registrant] **PERSON UNDER SUPERVISION** to the [Commission]
4 **SENTENCING COURT** once every 6 months.

5 (2) Unless disclosure of a report would be in violation of laws
6 regarding confidentiality of treatment records, a sexual offender management team
7 shall provide copies of each progress report to local law enforcement units of the
8 county in which the [registrant] **PERSON** resides [or where a sexual offender who is
9 not a resident of the State will work or attend school].

10 11-726.

11 The [Commission, with the advice of the Sexual Offender Advisory Board
12 established under § 1-401 of the Public Safety Article,] **DEPARTMENT OF PUBLIC**
13 **SAFETY AND CORRECTIONAL SERVICES** shall adopt regulations necessary to carry
14 out the duties of the [Commission under § 11-724 of] **DEPARTMENT RELATING TO**
15 **LIFETIME SEXUAL OFFENDER SUPERVISION UNDER** this subtitle.

16 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
17 October 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.