

# HOUSE BILL 931

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CF SB 856

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By: **The Speaker (By Request – Administration) and Delegates Busch, Carter, G. Clagett, Conway, Ivey, Kelly, Schuler, Simmons, Valderrama, and Waldstreicher**

Introduced and read first time: February 12, 2010

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Sexual Offender Advisory Board**

3 FOR the purpose of altering the composition of a certain Sexual Offender Advisory  
4 Board; requiring certain members of the Board to have certain expertise;  
5 providing for the terms of the appointed members of the Board to be staggered  
6 in a certain manner; altering the duties of the Board; requiring the Board to  
7 make a certain report by a certain date; repealing a requirement that the  
8 Department of Health and Mental Hygiene provide staff to the Board; making  
9 certain conforming changes; and generally relating to the Sexual Offender  
10 Advisory Board.

11 BY repealing and reenacting, with amendments,  
12 Article – Public Safety  
13 Section 1–401  
14 Annotated Code of Maryland  
15 (2003 Volume and 2009 Supplement)

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

18 **Article – Public Safety**

19 1–401.

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

5 (3) **THE SECRETARY OF JUVENILE SERVICES, OR THE**  
6 **SECRETARY'S DESIGNEE;**

7 [(2)] (4) the Director of the Division of Parole and Probation, or the  
8 Director's designee;

9 [(3)] (5) the Chairman of the Maryland Parole Commission, or the  
10 Chairman's designee;

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

13 [(4)] (7) the Executive Director of the Mental Hygiene  
14 Administration of the Department of Health and Mental Hygiene, or the Executive  
15 Director's designee;

16 [(5)] (8) the Secretary of State Police, or the Secretary's designee;  
17 [and]

18 (9) **THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF**  
19 **CRIME CONTROL AND PREVENTION, OR THE EXECUTIVE DIRECTOR'S**  
20 **DESIGNEE;**

21 [(6)] (10) the following members, appointed by the Governor:

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

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

28 (iii) a State's Attorney **WITH EXPERTISE IN THE PROSECUTION**  
29 **OF SEXUAL AND CHILD ABUSE CRIMES;**

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

1                   (IV) AN ASSISTANT PUBLIC DEFENDER WITH EXPERTISE IN  
2 THE DEFENSE OF SEXUAL AND CHILD ABUSE CRIMES;

3                   (v) [a sexual offender treatment provider;

4                   (vi) a polygrapher;

5                   (vii)] a representative of a local law enforcement unit WITH  
6 EXPERTISE IN THE INVESTIGATION OF SEXUAL AND CHILD ABUSE CRIMES;

7                   (VI) A REPRESENTATIVE FROM A CHILD ADVOCACY CENTER  
8 WITH RECOGNIZED EXPERTISE IN SEXUAL ABUSE AND VICTIMIZATION; and

9                   [(viii)] (VII) two citizen members.

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

11                   (2)    The terms of the appointed members are staggered as required by  
12 the terms provided for members of the Board on [the effective date of Chapter 4 of the  
13 Acts of the General Assembly of the Special Session of 2006] **OCTOBER 1, 2010**.

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

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

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

20           (d)    A Board member:

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

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

24           (e)    The Governor shall select a chairman from among the Board's members.

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

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

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

29           (g)    The Board shall:

1           (1) [review technology for the tracking of offenders] IN  
2 COLLABORATION WITH THE DIVISION OF PAROLE AND PROBATION AND THE  
3 MARYLAND JUDICIARY, DEVELOP CRITERIA FOR MEASURING A PERSON'S RISK  
4 OF REOFFENDING TO ASSIST THE COURT IN DETERMINING WHETHER A PERSON  
5 MAY BE APPROPRIATELY RELEASED FROM SUPERVISION UNDER §§  
6 11-723 AND 11-724 OF THE CRIMINAL PROCEDURE ARTICLE;

7           (2) review the effectiveness of the State's laws AND PRACTICES  
8 concerning sexual offenders, INCLUDING:

9                       (I) SEXUAL OFFENDER REGISTRATION AND MONITORING  
10 REQUIREMENTS; AND

11                      (II) COMMUNITY NOTIFICATION REQUIREMENTS;

12           (3) review the laws AND PRACTICES of other states and jurisdictions  
13 concerning sexual offenders;

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

17           (5) review developments [in] AND MAKE RECOMMENDATIONS FOR  
18 the treatment, MANAGEMENT, and assessment of sexual offenders, INCLUDING:

19                      (I) EXISTING AND EMERGING TECHNOLOGY FOR THE  
20 TRACKING OF SEXUAL OFFENDERS;

21                      (II) EXISTING AND EMERGING TECHNOLOGY FOR THE  
22 TREATMENT OF SEXUAL OFFENDERS; AND

23                      (III) BEST PRACTICES FOR LOWERING RECIDIVISM RATES  
24 AND PROTECTING THE PUBLIC;

25           (6) develop standards for THE CERTIFICATION OF sexual offender  
26 treatment PROVIDERS based on current and evolving [best] EVIDENCE-BASED  
27 practices AND MAKE RECOMMENDATIONS FOR A STATEWIDE CERTIFICATION  
28 PROCESS;

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

31           (8) provide] MAKE RECOMMENDATIONS TO THE DIVISION OF  
32 PAROLE AND PROBATION FOR training [for] sexual offender management teams.

1           (h) On or before December 31, [2009] **2010**, and every year thereafter, the  
2 Board shall report the findings and recommendations of the Board to the Governor  
3 and, in accordance with § 2-1246 of the State Government Article, the General  
4 Assembly.

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

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

8           SECTION 2. AND IT BE FURTHER ENACTED, That the terms of the  
9 members of the Sexual Offender Advisory Board who are appointed on or before  
10 October 1, 2010, and who are subject to appointment, shall expire as follows:

11                   (1) two appointed members in 2012;

12                   (2) three appointed members in 2013; and

13                   (3) three appointed members in 2014.

14           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 June 1, 2010.