

# SENATE BILL 856

P1

(0lr0187)

## *ENROLLED BILL*

— *Judicial Proceedings/Judiciary* —

Introduced by **The President (By Request – Administration) and Senators Brochin, Haines, Muse, Robey, and Stone**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

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

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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.

*Italics* indicate opposite chamber/conference committee amendments.



1 Annotated Code of Maryland  
2 (2003 Volume and 2009 Supplement)

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

5 **Article – Public Safety**

6 1–401.

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

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

10 (1) the Secretary of Public Safety and Correctional Services, or the  
11 Secretary’s designee;

12 **(2) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE**  
13 **SECRETARY’S DESIGNEE;**

14 **(3) THE SECRETARY OF JUVENILE SERVICES, OR THE**  
15 **SECRETARY’S DESIGNEE;**

16 **[(2)] (4)** the Director of the Division of Parole and Probation, or the  
17 Director’s designee;

18 **[(3)] (5)** the Chairman of the Maryland Parole Commission, or the  
19 Chairman’s designee;

20 **(6) THE DIRECTOR OF THE MARYLAND CRIMINAL JUSTICE**  
21 **INFORMATION SYSTEM CENTRAL REPOSITORY, OR THE DIRECTOR’S DESIGNEE;**

22 **[(4)] (7)** the Executive Director of the Mental Hygiene  
23 Administration of the Department of Health and Mental Hygiene, or the Executive  
24 Director’s designee;

25 **[(5)] (8)** the Secretary of State Police, or the Secretary’s designee;  
26 [and]

27 **(9) THE EXECUTIVE DIRECTOR OF THE GOVERNOR’S OFFICE OF**  
28 **CRIME CONTROL AND PREVENTION, OR THE EXECUTIVE DIRECTOR’S**  
29 **DESIGNEE;**

1           **[(6)] (10)** the following members, appointed by the Governor:

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

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

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

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

11                   **(IV) AN ASSISTANT PUBLIC DEFENDER WITH EXPERTISE IN**  
12 **THE DEFENSE OF SEXUAL AND CHILD ABUSE CRIMES;**

13                   (v) [a sexual offender treatment provider;

14                   (vi) a polygrapher;

15                   **[(vii)]** a representative of a local law enforcement unit **WITH**  
16 **EXPERTISE IN THE INVESTIGATION OF SEXUAL AND CHILD ABUSE CRIMES;**

17                   **(VI) A REPRESENTATIVE FROM A CHILD ADVOCACY CENTER**  
18 **WITH RECOGNIZED EXPERTISE IN SEXUAL ABUSE AND VICTIMIZATION; and**

19                   **[(viii)] (VII)** two citizen members.

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

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

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

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

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

1 (d) A Board member:

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

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

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

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

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

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

10 (g) The Board shall:

11 (1) [review technology for the tracking of offenders] **IN**  
12 **COLLABORATION WITH THE DIVISION OF PAROLE AND PROBATION ~~AND THE~~**  
13 **~~MARYLAND JUDICIARY~~, DEVELOP CRITERIA FOR MEASURING A PERSON'S RISK**  
14 **OF REOFFENDING TO ASSIST THE COURT IN DETERMINING WHETHER A PERSON**  
15 **MAY BE APPROPRIATELY RELEASED FROM SUPERVISION UNDER §§**  
16 **11-723 AND 11-724 OF THE CRIMINAL PROCEDURE ARTICLE;**

17 (2) review the effectiveness of the State's laws **AND PRACTICES**  
18 concerning sexual offenders, **INCLUDING:**

19 **(I) SEXUAL OFFENDER REGISTRATION AND MONITORING**  
20 **REQUIREMENTS; AND**

21 **(II) COMMUNITY NOTIFICATION REQUIREMENTS;**

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

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

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

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

1                                   **(II) CIVIL COMMITMENT OF SEXUAL OFFENDERS;**

2                                   ~~(III)~~ **(III) EXISTING AND EMERGING TECHNOLOGY FOR THE**  
 3 **TREATMENT OF SEXUAL OFFENDERS; AND**

4                                   ~~(IV)~~ **(IV) BEST PRACTICES FOR LOWERING RECIDIVISM**  
 5 **RATES AND PROTECTING THE PUBLIC;**

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

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

12                                  (8) provide] **MAKE RECOMMENDATIONS TO THE DIVISION OF**  
 13 **PAROLE AND PROBATION FOR** training [for] sexual offender management teams;  
 14 **AND**

15                                  **(8) CONSIDER WAYS TO INCREASE COOPERATION AMONG STATES**  
 16 **WITH REGARD TO SEXUAL OFFENDER REGISTRATION AND MONITORING; AND**

17                                  ~~**(9) CONSIDER OPTIONS FOR PROHIBITING SEXUAL OFFENDERS**~~  
 18 ~~**FROM LIVING WITHIN A CERTAIN DISTANCE OF A SCHOOL, CHURCH, OR OTHER**~~  
 19 ~~**PLACE WHERE CHILDREN CONGREGATE.**~~

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

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

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

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

30                                  (1) two appointed members in 2012;

31                                  (2) three appointed members in 2013; and

1                   (3)    three appointed members in 2014.

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.