

Chapter 177

(House Bill 473)

AN ACT concerning

Criminal Procedure – Sexual Offenders – Lifetime Supervision

FOR the purpose of repealing the requirement that the Maryland Parole Commission administer extended sexual offender parole supervision; adding certain hearings related to lifetime sexual offender supervision to the list of subsequent proceedings for which the State's Attorney is required to provide a certain notice to a certain victim or victim's representative; altering certain provisions relating to extended sexual offender supervision of certain offenders; altering the term for certain extended sexual offender supervision; requiring a sentence for certain persons to include a term of lifetime sexual offender supervision; authorizing a sentence for certain persons to include a term of lifetime sexual offender supervision; altering the term of lifetime sexual offender supervision; establishing that lifetime sexual offender supervision is imposed on a defendant for a crime or act committed on or after a certain date; requiring a certain sentencing court or juvenile court to impose certain conditions of lifetime sexual offender supervision and to advise certain persons of the conditions of lifetime sexual offender supervision; requiring the sentencing court or juvenile court to order a presentence investigation under certain circumstances; requiring the sentencing court to order a certain risk assessment under certain circumstances; authorizing a certain sentencing court or juvenile court to adjust certain conditions of lifetime sexual offender supervision under certain circumstances; ~~clarifying that the imposition or adjustment of special conditions of lifetime sexual offender supervision is a subsequent proceeding under a certain provision of law~~; establishing a certain offense and penalty for violation of lifetime sexual offender supervision; authorizing certain procedures for violations of lifetime sexual offender supervision; ~~requiring certain judges to hear certain violations and certain petitions~~; ~~authorizing~~ requiring certain judges to hear certain violations and certain petitions; prohibiting a certain sentencing court ~~to deny~~ from denying a certain petition under certain circumstances; providing for the discharge of certain persons from lifetime sexual offender supervision under certain circumstances; ~~clarifying that certain proceedings are a subsequent proceeding under a certain provision of law~~; requiring a certain sentencing court to hear and adjudicate certain petitions; altering the composition of a certain sexual offender management team; requiring certain progress reports of a certain sexual offender management team; authorizing the Department of Public Safety and Correctional Services to adopt certain regulations; making a certain technical correction; deleting certain terms; making certain conforming changes; and generally relating to sexual offender supervision.

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

BY repealing and reenacting, with amendments,
 Article – Criminal Procedure
 Section ~~11–701~~ 11–503, 11–701, and 11–723 through 11–726
 Annotated Code of Maryland
 (2008 Replacement Volume and 2009 Supplement)

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

Article – Correctional Services

7–206.

The Commission shall:

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

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

(3) review and make recommendations to the Governor:

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

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

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

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

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

Article – Criminal Procedure

11-503.

(a) In this section, “subsequent proceeding” includes:

(1) a sentence review under § 8-102 of this article;

(2) a hearing on a request to have a sentence modified or vacated under the Maryland Rules;

(3) in a juvenile delinquency proceeding, a review of a commitment order or other disposition under the Maryland Rules;

(4) an appeal to the Court of Special Appeals;

(5) an appeal to the Court of Appeals; [and]

(6) **A HEARING ON AN ADJUSTMENT OF SPECIAL CONDITIONS OF LIFETIME SEXUAL OFFENDER SUPERVISION UNDER § 11-723 OF THIS TITLE OR A HEARING ON A VIOLATION OF SPECIAL CONDITIONS OF LIFETIME SEXUAL OFFENDER SUPERVISION OR A PETITION FOR DISCHARGE FROM SPECIAL CONDITIONS OF LIFETIME SEXUAL OFFENDER SUPERVISION UNDER § 11-724 OF THIS TITLE; AND**

(7) any other postsentencing court proceeding.

(b) Following conviction or adjudication and sentencing or disposition of a defendant or child respondent, the State’s Attorney shall notify the victim or victim’s representative of a subsequent proceeding in accordance with § 11-104(e) of this title if:

(1) before the State’s Attorney distributes notification request forms under § 11-104(c) of this title, the victim or victim’s representative submitted to the State’s Attorney a written request to be notified of subsequent proceedings; or

(2) after the State’s Attorney distributes notification request forms under § 11-104(c) of this title, the victim or victim’s representative submits a notification request form in accordance with § 11-104(d) of this title.

(c) (1) The State’s Attorney’s office shall:

(i) notify the victim or victim’s representative of all appeals to the Court of Special Appeals and the Court of Appeals; and

(ii) send an information copy of the notification to the office of the Attorney General.

(2) After the initial notification to the victim or victim's representative or receipt of a notification request form, as defined in § 11-104 of this title, the office of the Attorney General shall:

(i) notify the victim or victim's representative of each subsequent date pertinent to the appeal, including dates of hearings, postponements, and decisions of the appellate courts; and

(ii) send an information copy of the notification to the State's Attorney's office.

(d) A notice sent under this section shall include the date, the time, the location, and a brief description of the subsequent proceeding.

11-701.

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

(b) "Board" means the Sexual Offender Advisory Board.

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

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

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

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

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

(5) (i) has been adjudicated delinquent for an act involving a victim under the age of 15 years that would constitute a violation of § 3-303, § 3-304, § 3-305, or § 3-306 of the Criminal Law Article if committed by an adult; and

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

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

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

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

(1) is a sexually violent predator;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) “Release” means:

(i) release on parole;

(ii) mandatory supervision release;

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

(iv) work release;

(v) placement on home detention; and

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

(3) “Release” does not include:

(i) an escape; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[(n)] (L) "Transient" means a nonresident registrant who enters a county of this State with the intent to be in the State or is in the State for a period exceeding 14

days or for an aggregate period exceeding 30 days during a calendar year for a purpose other than employment or to attend an educational institution.

11-723.

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

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

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

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

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

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

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

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

(B) EXCEPT WHERE A TERM OF NATURAL LIFE WITHOUT THE POSSIBILITY OF PAROLE IS IMPOSED, A SENTENCE FOR A VIOLATION OF § 3-307(A)(1) OR (2) MAY INCLUDE A TERM OF LIFETIME SEXUAL OFFENDER SUPERVISION.

~~(b) (C)~~ **(1) THE EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE term of [extended] LIFETIME sexual offender [parole] supervision**

[for a defendant sentenced] **IMPOSED ON A PERSON FOR A CRIME COMMITTED** on or after ~~August 1, 2006~~ **OCTOBER 1, 2010**, shall:

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

~~(2)~~ **(II)** commence on the expiration of the later of any term of imprisonment, probation, parole, or mandatory supervision.

(2) FOR A PERSON WHO IS REQUIRED TO REGISTER UNDER § 11-704(C) OF THIS SUBTITLE, THE TERM OF LIFETIME SEXUAL OFFENDER SUPERVISION IMPOSED FOR AN ACT COMMITTED ON OR AFTER OCTOBER 1, 2010, SHALL:

(I) COMMENCE WHEN THE PERSON'S OBLIGATION TO REGISTER COMMENCES; AND

(II) EXPIRE WHEN THE PERSON'S OBLIGATION TO REGISTER EXPIRES, UNLESS THE JUVENILE COURT:

1. FINDS AFTER A HEARING THAT THERE IS A COMPELLING REASON FOR THE SUPERVISION TO CONTINUE; AND

2. ORDERS THE SUPERVISION TO CONTINUE FOR A SPECIFIED PERIOD OF TIME.

~~(c)~~ **(D) (1) THE FOR A SENTENCE THAT INCLUDES A TERM OF LIFETIME SEXUAL OFFENDER SUPERVISION, THE SENTENCING COURT, OR JUVENILE COURT IN THE CASE OF A PERSON WHO IS REQUIRED TO REGISTER UNDER § 11-704(C) OF THIS SUBTITLE, SHALL IMPOSE SPECIAL CONDITIONS OF LIFETIME SEXUAL OFFENDER SUPERVISION ON THE PERSON AT THE TIME OF SENTENCING, OR IMPOSITION OF THE REGISTRATION REQUIREMENT IN JUVENILE COURT, AND ADVISE THE PERSON OF THE LENGTH, CONDITIONS, AND CONSECUTIVE NATURE OF THAT SUPERVISION.**

(2) BEFORE IMPOSING SPECIAL CONDITIONS, THE SENTENCING COURT OR JUVENILE COURT SHALL ORDER:

(I) A PRESENTENCE INVESTIGATION IN ACCORDANCE WITH § 6-112 OF THE CORRECTIONAL SERVICES ARTICLE; AND

(II) FOR A SENTENCE FOR A VIOLATION OF § 3-307(A)(1) OR (2), A RISK ASSESSMENT OF THE PERSON CONDUCTED BY A SEXUAL OFFENDER TREATMENT PROVIDER.

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

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

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

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

(IV) REQUIRING A PERSON TO PARTICIPATE IN A ~~CERTIFIED~~ SEXUAL OFFENDER TREATMENT PROGRAM;

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

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

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

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

(IX) ANY OTHER CONDITIONS DEEMED APPROPRIATE BY THE SENTENCING COURT OR JUVENILE COURT.

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

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

11-724.

[(a) The Maryland Parole Commission shall:

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

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

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

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

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

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

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

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

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

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

- (2) where appropriate and feasible, restricting a registrant from living in proximity to or loitering near schools, family day care centers, child care centers, and other places primarily used by minors;
- (3) restricting a registrant from obtaining employment or from participating in an activity that would bring the registrant into contact with minors;
- (4) requiring a registrant to participate in a certified sexual offender treatment program;
- (5) prohibiting a registrant from using illicit drugs or alcohol;
- (6) authorizing parole agents to access the personal computer of a registrant to check for material relating to sexual relations with minors;
- (7) requiring a registrant to take regular polygraph examinations; and
- (8) prohibiting a registrant from contacting specific individuals or categories of individuals.]

(D) (1) A VIOLATION OF SUBSECTION (A) OF THIS SECTION DOES NOT DISCHARGE A PERSON FROM LIFETIME SEXUAL OFFENDER SUPERVISION.

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

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

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

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

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

~~(1) ON WRITTEN CHARGES UNDER OATH OR ON VIOLATION OF A CONDITION OF SUPERVISION, ISSUE A WARRANT REQUIRING THE PERSON~~

~~UNDER SUPERVISION TO BE BROUGHT OR TO APPEAR BEFORE THE JUDGE ISSUING THE WARRANT:~~

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

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

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

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

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

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

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

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

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

(4) A petition for discharge shall include:

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

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

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

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

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

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

~~(C) **PROCEEDINGS UNDER THIS SECTION ARE A SUBSEQUENT PROCEEDING UNDER § 11-503(A) OF THIS ARTICLE.**~~

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

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

11-725.

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

(b) A sexual offender management team:

(1) consists of:

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

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

(2) may include:

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

(ii) faith counselors;

(iii) employment counselors;

(iv) community leaders; **[and]**

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

(VI) A LAW ENFORCEMENT OFFICER;

(VII) AN ASSISTANT STATE’S ATTORNEY;

(VIII) AN ASSISTANT PUBLIC DEFENDER; AND

(IX) A FOREIGN OR SIGN LANGUAGE INTERPRETER.

(c) (1) A sexual offender management team shall submit a progress report on each **[registrant] PERSON UNDER SUPERVISION** to the **[Commission] SENTENCING COURT, OR JUVENILE COURT IN THE CASE OF A PERSON WHO IS REQUIRED TO REGISTER UNDER § 11-704(C) OF THIS SUBTITLE,** once every 6 months.

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

11-726.

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

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

Approved by the Governor, May 4, 2010.