

SENATE BILL 220

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(PRE-FILED)

6lr0103
CF HB 287

By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Public Safety and Correctional Services)**

Requested: September 26, 2025

Introduced and read first time: January 14, 2026

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Lifetime Sexual Offender Supervision – Conditions,**
3 **Violations, and Petitions for Discharge**

4 FOR the purpose of altering certain provisions relating to lifetime sexual offender
5 supervision, including conditions of supervision, reporting requirements for certain
6 sexual offender management teams, hearing requirements, and provisions relating
7 to notice to victims and the filing of petitions; and generally relating to lifetime
8 sexual offender supervision.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Procedure
11 Section 11–723 and 11–724
12 Annotated Code of Maryland
13 (2025 Replacement Volume)

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

16 **Article – Criminal Procedure**

17 11–723.

18 (a) Except where a term of natural life without the possibility of parole is imposed,
19 a sentence for the following persons shall include a term of lifetime sexual offender
20 supervision:

21 (1) a person who is a sexually violent predator;

22 (2) a person who has been convicted of a violation of:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) § 3–303 or § 3–304 of the Criminal Law Article; or

2 (ii) § 3–305 or § 3–306 of the Criminal Law Article as the sections
3 existed before October 1, 2017, if the person was an adult at the time of the offense;

4 (3) a person who has been convicted of a violation of § 3–309 or § 3–310 of
5 the Criminal Law Article, § 3–311 of the Criminal Law Article as the section existed before
6 October 1, 2017, or, if the person was an adult at the time of the offense, an attempt to
7 commit a violation of § 3–306 of the Criminal Law Article as the section existed before
8 October 1, 2017;

9 (4) a person who has been convicted of a violation of § 3–602 of the Criminal
10 Law Article:

11 (i) that was committed when the person was an adult against a child
12 under the age of 13 years; or

13 (ii) that was committed when the person was at least 21 years old
14 against a child under the age of 16 years;

15 (5) a person who is required to register under § 11–704(c) of this subtitle;
16 and

17 (6) a person who has been convicted more than once arising out of separate
18 incidents of a crime that requires registration under this subtitle.

19 (b) Except where a term of natural life without the possibility of parole is imposed,
20 a sentence for a violation of § 3–307(a)(1) or (2) of the Criminal Law Article may include a
21 term of lifetime sexual offender supervision.

22 (c) (1) Except as provided in paragraph (2) of this subsection, the term of
23 lifetime sexual offender supervision imposed on a person for a crime committed on or after
24 October 1, 2010, shall:

25 (i) be a term of life; and

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

28 (2) For a person who is required to register under § 11–704(c) of this
29 subtitle, the term of lifetime sexual offender supervision imposed for an act committed on
30 or after October 1, 2010, shall:

31 (i) commence when the person's obligation to register commences;
32 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.

(d) (1) 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) of the Criminal Law Article, a risk assessment of the person conducted by a sexual offender treatment provider.

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

(I) ALL STANDARD AND SPECIAL CONDITIONS OF SUPERVISION IMPOSED BY THE SENTENCING COURT AT THE TIME OF SENTENCING; AND

(II) ALL STANDARD AND SPECIAL CONDITIONS OF SUPERVISION IMPOSED BY THE MARYLAND PAROLE COMMISSION AT THE TIME OF RELEASE FROM CUSTODY.

[(3)] (4) 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 child care homes, 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 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)] (5) 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.

11-724.

(a) **(1)** 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.

(2) IF A PERSON VIOLATES A CONDITION OF LIFETIME SEXUAL OFFENDER SUPERVISION, THE SEXUAL OFFENDER MANAGEMENT TEAM SHALL REPORT THE VIOLATION TO THE OFFICE OF THE STATE'S ATTORNEY FOR THE JURISDICTION IN WHICH THE VIOLATION OCCURRED.

(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.

(c) Imprisonment for a lifetime sexual offender supervision violation is not subject to diminution credits.

(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 (f) of this section.

(e) During the period of lifetime sexual offender supervision, the court may:

(1) remand the person to a correctional facility or release the person with or without bail pending the hearing or determination of a charge of violation of a condition of lifetime sexual offender supervision; and

(2) if the court finds that the person committed a violation of a condition of supervision, impose a sentence as prescribed in subsection (b) of this section.

(f) (1) The sentencing court shall [hear and] adjudicate a petition for discharge from lifetime sexual offender supervision.

(2) A person may file a petition for discharge after serving at least 5 years of extended sexual offender supervision.

(3) If a petition for discharge is denied, a person may not renew the petition for a minimum of [1 year] **2 YEARS**.

(4) A VICTIM OR VICTIM'S REPRESENTATIVE WHO HAS REQUESTED NOTICE UNDER § 11-104 OF THIS TITLE SHALL BE NOTIFIED OF THE PETITION FOR DISCHARGE AND OF THE FINAL DECISION OF THE JUDGE IN GRANTING OR DENYING THE PETITION.

[(4)] (5) A petition for discharge shall include[:

(i) a risk assessment of the person conducted by a sexual offender treatment provider within 3 months before the date of the filing of the petition] **A REPORT FROM THE SEXUAL OFFENDER MANAGEMENT TEAM THAT INCLUDES:**

(I) A RISK ASSESSMENT OF THE PERSON CONDUCTED BY A SEXUAL OFFENDER TREATMENT PROVIDER APPROVED BY THE DEPARTMENT;

(II) A POLYGRAPH EXAMINATION OF THE PERSON CONDUCTED BY A POLYGRAPH EXAMINER APPROVED BY THE DEPARTMENT; and

[(ii)] (III) a recommendation FROM THE SEXUAL OFFENDER MANAGEMENT TEAM regarding the discharge of the person from [the sexual offender management team] LIFETIME SEXUAL OFFENDER SUPERVISION.

1 **[(5)] (6)** (i) The sentencing court may not deny a petition for discharge
2 without a hearing.

3 (ii) The court may not discharge a person from lifetime sexual
4 offender supervision unless the court makes a finding on the record that the petitioner is
5 no longer a danger to others.

6 **(III) 1. IF, BASED ON A REVIEW OF THE PETITION FOR**
7 **DISCHARGE AND ANY ACCOMPANYING DOCUMENTS, AND WITHOUT A HEARING, THE**
8 **COURT DETERMINES THAT THE PETITIONER QUALIFIES FOR DISCHARGE FROM**
9 **LIFETIME SEXUAL OFFENDER SUPERVISION, THE COURT SHALL NOTIFY THE**
10 **STATE'S ATTORNEY.**

11 **2. IF, AFTER A NOTIFICATION FROM THE COURT UNDER**
12 **SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE STATE'S ATTORNEY REQUESTS**
13 **A HEARING ON THE MATTER, THE COURT SHALL HOLD A HEARING.**

14 **[(6)] (7)** (i) The judge who originally imposed the lifetime sexual
15 offender supervision shall **[hear] ADJUDICATE** a petition for discharge.

16 (ii) If the judge has been removed from office, has died or resigned,
17 or is otherwise incapacitated, another judge may act in the matter.

18 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
19 **October 1, 2026.**