

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 287

(Chair, Judiciary Committee)(By Request - Departmental
- Public Safety and Correctional Services)

Judiciary

**Criminal Procedure - Lifetime Sexual Offender Supervision - Conditions,
Violations, and Petitions for Discharge**

This departmental bill makes numerous changes to statutory language regarding lifetime sexual offender supervision, including that related to (1) required conditions of lifetime sexual offender supervision; (2) the process by which the Division of Parole and Probation (DPP) within the Department of Public Safety and Correctional Services (DPSCS) may charge a person for a violation of a condition of the lifetime supervision; and (3) the process by which a person subject to lifetime sexual offender supervision may petition for discharge from lifetime supervision.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances.

Local Effect: The bill is not expected to materially affect local finances.

Small Business Effect: DPSCS has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Bill Summary/Current Law: Under current law, except where a term of natural life without the possibility of parole is imposed, a sentence must include a term of lifetime sexual offender supervision for the following:

- a sexually violent predator;
- a person convicted of first- or second-degree rape, or first- or second-degree sexual offense as the offenses existed before October 1, 2017, if the person was an adult at the time of the offense;
- a person convicted of attempted first- or second-degree rape, attempted first-degree sexual offense as the offense existed before October 1, 2017, or if the person was an adult at the time of the offense, attempted second-degree sexual offense as the offense existed before October 1, 2017;
- a person convicted of sexual abuse of a minor that was committed when the person was an adult against a child younger than age 13 or that was committed when the person was at least age 21 against a child younger than age 16;
- a person required to register with the person's supervising authority because the person was at least age 13 but not older than age 18 at the time of the act; and
- a person convicted more than once arising out of separate incidents of a crime that requires registration.

Under current law, the sentencing court or juvenile court must impose special conditions of lifetime sexual offender supervision 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. Among others, special conditions may include global positioning satellite tracking or equivalent technology and participation in a sexual offender treatment program. The sentencing court may adjust the special conditions of such lifetime supervision in consultation with the person's sexual offender management team.

The bill requires conditions of lifetime sexual offender supervision to include all standard and special conditions of supervision imposed by (1) the sentencing court at the time of sentencing and (2) the Maryland Parole Commission (MPC) at the time of release from custody.

A person subject to lifetime supervision is prohibited from knowingly or willfully violating the conditions of the supervision and subject to penalties as specified in statute. Such penalties are unchanged by the bill, but the bill also establishes that if a person violates a condition of lifetime sexual offender supervision, the sexual offender management team must report the violation to the office of the State's Attorney for the jurisdiction in which the violation occurred.

Under current law, a person may petition for discharge from lifetime sexual offender supervision after serving at least five years of the extended sexual offender supervision. A petition for discharge must include a risk assessment of the person conducted by a sexual offender treatment provider within three months before the date of the filing of the petition and a recommendation regarding the discharge of the person from the sexual offender

management team. The bill alters these provisions to instead require a petition for discharge to include a report from the sexual offender management team that includes (1) a risk assessment of the person conducted by a sexual offender treatment provider approved by DPSCS; (2) a polygraph examination of the person conducted by a polygraph examiner approved by DPSCS; and (3) a recommendation from the sexual offender management team regarding the discharge of the person from lifetime sexual offender supervision.

Under current law (and unchanged by the bill) the sentencing court (1) may not *deny* a petition for discharge without a hearing and (2) may not discharge a person unless the court makes a finding on the record that the petitioner is no longer a danger to others.

The bill establishes that if, based on a review of the petition for discharge and any accompanying documents, and without a hearing, the court determines that the petitioner qualifies for discharge from lifetime sexual offender supervision, the court must notify the State's Attorney. If, after a notification from the court, the State's Attorney requests a hearing on the matter, the court must hold a hearing. Under current law and subject to specified exceptions, the judge who originally imposed the lifetime sexual offender supervision must *hear* a petition for discharge; the bill instead requires this judge to *adjudicate* the petition for discharge.

If a petition for discharge is denied, current law prohibits a person from renewing the petition for a minimum of one year. The bill alters this to a minimum of two years.

Finally, the bill establishes that a victim or victim's representative who has requested notice must be notified of the petition for discharge and of the final decision of the judge in granting or denying the petition.

Sexual Offender Management Teams

Under current law, under the supervision of DPP, a sexual offender management team must conduct lifetime sexual offender supervision and the supervision of probation, parole, or mandatory release of a person subject to lifetime sexual offender supervision. A sexual offender management team must submit a progress report on each person under supervision to the sentencing court or juvenile court once every six months. Unless disclosure of a report would be in violation of laws regarding confidentiality of treatment records, a sexual offender management team must also provide copies of each progress report to local law enforcement units of the county in which the offender resides.

DPSCS is required to adopt regulations necessary to carry out the duties of the department relating to lifetime offender supervision.

The Sexual Offender Advisory Board

Under current law, the Sexual Offender Advisory Board must:

- in collaboration with DPP, develop criteria for measuring a person's risk of reoffending to assist the court in determining whether a person may be appropriately released from lifetime sexual offender supervision;
- review the effectiveness of the State's laws and practices concerning sexual offenders, as specified;
- review the laws and practices of other states and jurisdictions concerning sexual offenders;
- review practices of MPC and DPP concerning supervision and monitoring of sexual offenders;
- review developments and make recommendations for the treatment, management, and assessment of sexual offenders, as specified;
- develop standards for the certification of sexual offender treatment providers based on current and evolving evidence-based practices and make recommendations for a statewide certification process;
- make recommendations to DPP for training sexual offender management teams; and
- consider ways to increase cooperation among states with regard to sexual offender registration and monitoring.

The board must annually report its findings and recommendations to the Governor and the General Assembly.

Background: As of August 2025, DPSCS reported that DPP had 260 lifetime sexual offenders under supervision. According to the department, the bill is intended to address operational challenges in the enforcement, monitoring, and discharge processes related to individuals under such supervision. For instance, DPSCS notes that sexual offender management teams operate under inconsistent standards across jurisdictions. Among other provisions, the bill mandates that all sentencing courts and MPC impose the same set of mandatory and special conditions on offenders, thereby subjecting offenders to uniform, enforceable expectations and allowing the department to improve oversight and compliance tracking.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 220 (Chair, Judicial Proceedings Committee)(By Request - Departmental - Public Safety and Correctional Services) - Judicial Proceedings.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Maryland State's Attorneys' Association; Department of Public Safety and Correctional Services; Department of Legislative Services

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sj/jkb

Analysis by: Shirleen M. E. Pilgrim

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Criminal Procedure – Lifetime Sexual Offender Supervision – Conditions, Violations, and Petitions for Discharge

BILL NUMBER: HB 287

PREPARED BY: Jason Davidson, Director, Government and Legislative Affairs

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

☒ WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND
SMALL
BUSINESS

OR

☐ WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL
BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS