

SENATE BILL 280

E4

(0lr0183)

ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by **The President (By Request – Administration) and Senators Astle, Brinkley, Brochin, Colburn, DeGrange, Della, Edwards, Exum, Forehand, Garagiola, Harrington, Jacobs, Jones, Kasemeyer, King, Klausmeier, Kramer, Lenett, Madaleno, Middleton, Miller, Munson, Muse, Peters, Pugh, Raskin, Robey, Simonaire, Stone, ~~and Zirkin~~ Zirkin, Haines, and Mooney**

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 **Criminal Procedure – Sexual Offenders – Lifetime Supervision**

3 FOR the purpose of repealing the requirement that the Maryland Parole Commission
4 administer extended sexual offender parole supervision; adding certain
5 hearings related to lifetime sexual offender supervision to the list of subsequent
6 proceedings for which the State’s Attorney is required to provide a certain notice
7 to a certain victim or victim’s representative; altering certain provisions relating
8 to extended sexual offender supervision of certain offenders; altering the term
9 for certain extended sexual offender supervision; requiring a sentence for
10 certain persons to include a term of lifetime sexual offender supervision;

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 authorizing a sentence for certain persons to include a term of lifetime sexual
 2 offender supervision; altering the term of lifetime sexual offender supervision;
 3 establishing that lifetime sexual offender supervision is imposed on a defendant
 4 for a crime *or act* committed on or after a certain date; requiring a certain
 5 sentencing court *or juvenile court* to impose certain conditions of lifetime sexual
 6 offender supervision and to advise certain persons of the conditions of lifetime
 7 sexual offender supervision; requiring the sentencing court *or juvenile court* to
 8 order a presentence investigation under certain circumstances; requiring the
 9 sentencing court to order a certain risk assessment under certain
 10 circumstances; authorizing a certain sentencing court *or juvenile court* to adjust
 11 certain conditions of lifetime sexual offender supervision under certain
 12 circumstances; establishing a certain offense and penalty for violation of
 13 lifetime sexual offender supervision; authorizing certain procedures for
 14 violations of lifetime sexual offender supervision; ~~requiring certain judges to~~
 15 ~~hear certain violations and certain petitions; authorizing prohibiting~~ a certain
 16 sentencing court ~~to deny~~ from denying a certain petition under certain
 17 circumstances; providing for the discharge of certain persons from lifetime
 18 sexual offender supervision under certain circumstances; requiring a certain
 19 sentencing court to hear and adjudicate certain petitions; altering the
 20 composition of a certain sexual offender management team; requiring certain
 21 progress reports of a certain sexual offender management team; authorizing the
 22 Department of Public Safety and Correctional Services to adopt certain
 23 regulations; making a certain technical correction; deleting certain terms;
 24 making certain conforming changes; and generally relating to sexual offender
 25 supervision.

26 BY repealing and reenacting, with amendments,
 27 Article – Correctional Services
 28 Section 7–206
 29 Annotated Code of Maryland
 30 (2008 Replacement Volume and 2009 Supplement)

31 BY repealing and reenacting, with amendments,
 32 Article – Criminal Procedure
 33 Section ~~11–701~~ 11–503, 11–701, and 11–723 through 11–726
 34 Annotated Code of Maryland
 35 (2008 Replacement Volume and 2009 Supplement)

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

38 **Article – Correctional Services**

39 7–206.

40 The Commission shall:

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

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

6 (3) review and make recommendations to the Governor:

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

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

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

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

17 (6) administer extended sexual offender parole supervision under Title
18 11, Subtitle 7 of the Criminal Procedure Article].

19 **Article – Criminal Procedure**

20 11–503.

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

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

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

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

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

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

29 (6) A HEARING ON AN ADJUSTMENT OF SPECIAL CONDITIONS OF
30 LIFETIME SEXUAL OFFENDER SUPERVISION UNDER § 11–723 OF THIS TITLE OR

1 A HEARING ON A VIOLATION OF SPECIAL CONDITIONS OF LIFETIME SEXUAL
2 OFFENDER SUPERVISION OR A PETITION FOR DISCHARGE FROM SPECIAL
3 CONDITIONS OF LIFETIME SEXUAL OFFENDER SUPERVISION UNDER § 11-724 OF
4 THIS TITLE; AND

5 (7) any other postsentencing court proceeding.

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

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

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

16 (c) (1) The State's Attorney's office shall:

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

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

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

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

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

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

31 11-701.

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

1 (b) “Board” means the Sexual Offender Advisory Board.

2 (c) “Child sexual offender” means a person who:

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

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

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

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

14 (5) (i) has been adjudicated delinquent for an act involving a
15 victim under the age of 15 years that would constitute a violation of § 3–303, § 3–304,
16 § 3–305, or § 3–306 of the Criminal Law Article if committed by an adult; and

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

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

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

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

25 (1) is a sexually violent predator;

26 (2) has been convicted of a violation of § 3–303, § 3–304, § 3–305, §
27 3–306(a)(1) or (2), or § 3–307(a)(1) or (2) of the Criminal Law Article;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (2) “Release” means:
- 2 (i) release on parole;
- 3 (ii) mandatory supervision release;
- 4 (iii) release from a correctional facility with no required period of
- 5 supervision;
- 6 (iv) work release;
- 7 (v) placement on home detention; and
- 8 (vi) the first instance of entry into the community that is part of
- 9 a supervising authority’s graduated release program.

- 10 (3) “Release” does not include:
- 11 (i) an escape; or
- 12 (ii) leave that is granted on an emergency basis.

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

- 14 (1) has been convicted of a sexually violent offense;
- 15 (2) has been convicted of an attempt to commit a sexually violent
- 16 offense; or
- 17 (3) (i) has been adjudicated delinquent for an act involving a
- 18 victim 15 years of age or older that would constitute a violation of § 3–303, § 3–304, §
- 19 3–305, or § 3–306 of the Criminal Law Article if committed by an adult; and
- 20 (ii) meets the requirements for registration under § 11–704(c) of
- 21 this subtitle.

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

- 23 (1) a violation of §§ 3–303 through 3–307 or §§ 3–309 through 3–312 of
- 24 the Criminal Law Article;
- 25 (2) assault with intent to commit rape in the first or second degree or
- 26 a sexual offense in the first or second degree as prohibited on or before September 30,
- 27 1996, under former Article 27, § 12 of the Code; or

1 (3) a crime committed in another state or in a federal, military, or
2 Native American tribal jurisdiction that, if committed in this State, would constitute
3 one of the crimes listed in item (1) or (2) of this subsection.

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

5 (1) a person who:

6 (i) is convicted of a sexually violent offense; and

7 (ii) has been determined in accordance with this subtitle to be at
8 risk of committing another sexually violent offense; or

9 (2) a person who is or was required to register every 90 days for life
10 under the laws of another state or a federal, military, or Native American tribal
11 jurisdiction.

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

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

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

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

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

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

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

28 (7) the Secretary, if the registrant is in the State under terms and
29 conditions of the Interstate Compact for Adult Offender Supervision, set forth in Title
30 6, Subtitle 2 of the Correctional Services Article, or the Interstate Corrections
31 Compact, set forth in Title 8, Subtitle 6 of the Correctional Services Article;

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

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

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

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

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

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

16 **[(n)] (L)** “Transient” means a nonresident registrant who enters a county of
 17 this State with the intent to be in the State or is in the State for a period exceeding 14
 18 days or for an aggregate period exceeding 30 days during a calendar year for a purpose
 19 other than employment or to attend an educational institution.

20 11-723.

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

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

26 **(2) A PERSON WHO HAS BEEN CONVICTED OF A VIOLATION OF §**
 27 **3-303, § 3-304, § 3-305, OR § 3-306(A)(1) OR (2), ~~OR § 3-307(A)(1) OR (2)~~ OF**
 28 **THE CRIMINAL LAW ARTICLE;**

29 **(3) A PERSON WHO HAS BEEN CONVICTED OF A VIOLATION OF §**
 30 **3-309, § 3-310, OR § 3-311 OF THE CRIMINAL LAW ARTICLE OR AN ATTEMPT TO**
 31 **COMMIT A VIOLATION OF § 3-306(A)(1) OR (2) OF THE CRIMINAL LAW ARTICLE;**

32 **(4) A PERSON WHO HAS BEEN CONVICTED OF A VIOLATION OF §**
 33 **3-602 OF THE CRIMINAL LAW ARTICLE ~~FOR THE COMMISSION OF A SEXUAL ACT~~**

1 ~~INVOLVING PENETRATION OF~~ INVOLVING A CHILD UNDER THE AGE OF 12
 2 YEARS; ~~AND~~

3 (5) A PERSON WHO IS REQUIRED TO REGISTER UNDER §
 4 11-704(C) OF THIS SUBTITLE; AND

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

9 (B) EXCEPT WHERE A TERM OF NATURAL LIFE WITHOUT THE
 10 POSSIBILITY OF PAROLE IS IMPOSED, A SENTENCE FOR A VIOLATION OF §
 11 3-307(A)(1) OR (2) MAY INCLUDE A TERM OF LIFETIME SEXUAL OFFENDER
 12 SUPERVISION.

13 ~~(C)~~ (1) The EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
 14 SUBSECTION, THE term of [extended] LIFETIME sexual offender [parole] supervision
 15 [for a defendant sentenced] IMPOSED ON A PERSON FOR A CRIME COMMITTED on
 16 or after ~~August 1, 2006~~ OCTOBER 1, 2010, shall:

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

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

21 (2) FOR A PERSON WHO IS REQUIRED TO REGISTER UNDER §
 22 11-704(C) OF THIS SUBTITLE, THE TERM OF LIFETIME SEXUAL OFFENDER
 23 SUPERVISION IMPOSED FOR AN ACT COMMITTED ON OR AFTER OCTOBER 1,
 24 2010, SHALL:

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

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

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

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

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

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

11 (I) A PRESENTENCE INVESTIGATION IN ACCORDANCE WITH
12 § 6-112 OF THE CORRECTIONAL SERVICES ARTICLE; AND

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

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

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

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

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

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

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

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

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

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

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

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

10 11-724.

11 **[(a) The Maryland Parole Commission shall:**

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

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

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

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

23 **(B) A PERSON WHO VIOLATES ANY CONDITIONS IMPOSED UNDER §**
24 **11-723 OF THIS SUBTITLE:**

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

28 (2) FOR A SECOND OR SUBSEQUENT OFFENSE, IS GUILTY OF A
29 FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING
30 10 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

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

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

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

7 (2) where appropriate and feasible, restricting a registrant from living
8 in proximity to or loitering near schools, family day care centers, child care centers,
9 and other places primarily used by minors;

10 (3) restricting a registrant from obtaining employment or from
11 participating in an activity that would bring the registrant into contact with minors;

12 (4) requiring a registrant to participate in a certified sexual offender
13 treatment program;

14 (5) prohibiting a registrant from using illicit drugs or alcohol;

15 (6) authorizing parole agents to access the personal computer of a
16 registrant to check for material relating to sexual relations with minors;

17 (7) requiring a registrant to take regular polygraph examinations; and

18 (8) prohibiting a registrant from contacting specific individuals or
19 categories of individuals.]

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

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

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

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

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

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

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

9 ~~(3)~~ (2) IF ~~AT THE HEARING~~ THE COURT FINDS THAT THE PERSON
 10 ~~VIOLATED~~ COMMITTED A VIOLATION OF A CONDITION OF SUPERVISION, IMPOSE
 11 A SENTENCE AS PRESCRIBED IN SUBSECTION (B) OF THIS SECTION.

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

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

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

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

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

25 (4) A petition for discharge shall include:

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

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

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

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

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

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

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

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

16 11-725.

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

22 (b) A sexual offender management team:

23 (1) consists of:

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

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

27 (2) may include:

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

30 (ii) faith counselors;

- 1 (iii) employment counselors;
- 2 (iv) community leaders; [and]
- 3 (v) a [polygrapher] **POLYGRAPH EXAMINER WITH**
4 **RECOGNIZED EXPERTISE IN SEXUAL OFFENDER-SPECIFIC POLYGRAPH**
5 **EXAMINATION;**
- 6 **(VI) A LAW ENFORCEMENT OFFICER;**
- 7 **(VII) AN ASSISTANT STATE'S ATTORNEY;**
- 8 **(VIII) AN ASSISTANT PUBLIC DEFENDER; AND**
- 9 **(IX) A FOREIGN OR SIGN LANGUAGE INTERPRETER.**

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

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

20 11-726.

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

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