

## Chapter 174

(Senate Bill 854)

AN ACT concerning

~~Criminal Procedure Crimes – Sex Offenders – Notification and, Registration, Commitment, and Court Procedures and Penalties~~

FOR the purpose of ~~authorizing a court to admit evidence of a defendant's commission of a certain separate act of sexual misconduct involving a minor in a prosecution for certain sexual offenses involving a minor under certain circumstances; requiring the State's Attorney to disclose to the defendant the State's intent to offer the evidence within a certain time period before the trial unless the court allows disclosure at a later time for good cause shown; specifying the content of the disclosure to the defendant; prohibiting certain evidence from being referred to in a statement to the jury or introduced at trial unless the court first holds a closed hearing and determines that the evidence is admissible; requiring the court to enter an order stating which evidence may be introduced under certain circumstances; authorizing the court to reconsider a ruling excluding evidence and hold an additional closed hearing if new information is discovered during the trial that may make the evidence admissible; increasing the maximum and mandatory minimum penalties for a person convicted of rape in the second degree of a child under the age of 13 years; increasing the maximum and mandatory minimum penalties for a person convicted of sexual offense in the second degree against a child under the age of 13 years; altering certain requirements relating to the registration of individuals who have committed certain offenses on a certain registry; altering the offenses for which a person can be required to register on a certain registry for committing, attempting to commit, or conspiring to commit; requiring certain persons to register on a certain registry if they have been convicted of certain crimes in certain countries; altering the requirements for registration on a certain registry for a certain person granted probation before judgment; providing that certain requirements for a person to register on a certain registry are to be applied retroactively under certain circumstances; providing for the calculation of a certain term of registration; altering certain requirements for persons under a certain age to register on a certain registry under certain circumstances; requiring a certain person to be included in a certain listing of juvenile sex offenders; specifying that a certain listing of juvenile sex offenders shall be accessible only by law enforcement personnel for law enforcement purposes; requiring a certain person to be removed from a certain listing of juvenile sex offenders at a certain time; establishing that certain individuals who are under the protection of certain witness protection programs are exempt from certain registration requirements; altering certain time periods relating to certain registration, notice, and reporting requirements; requiring certain sex offenders~~

to register in person with ~~a~~ certain local law enforcement ~~unit~~ units within certain time periods; providing that a certain sex offender may be required to provide certain additional information to a certain local law enforcement unit; establishing that a person is a resident for purposes of a certain offender registry if the person has a home or other place where the person habitually lives located in the State at the time of a certain event; establishing that a certain registrant shall register with a certain supervising authority within a certain period of time after the registrant begins to habitually live in the State; requiring a certain homeless registrant to register in person with a local law enforcement unit within certain time periods; requiring a certain homeless registrant to register with a local law enforcement unit at certain intervals; establishing that certain registration requirements for a homeless registrant are in addition to certain other requirements; requiring a registrant who was homeless and obtains a fixed address to register with a local law enforcement unit within a certain time period; requiring a certain registrant who makes changes in certain identifying information to send a certain notice to a local law enforcement unit within a certain time period; requiring a certain sexual offender registrant who establishes a new electronic mail address, computer log-in or screen name or identity, instant-message identity, or electronic chat room identity to provide written notice to the sexual offender registry of the new information within a certain period after establishing the new address, name, or identity; requiring certain notifications by certain registrants to be made by reporting in person; requiring certain registrants to notify a ~~a~~ certain local law enforcement ~~unit~~ ~~units~~ unit when the registrant leaves the United States under certain circumstances or temporarily moves; requiring a certain notification to be made in a certain manner; adding to the requirements of a certain registration statement; requiring a certain registrant to provide a digital image instead of a photograph under certain circumstances; requiring a certain registrant to provide a palm print; repealing an exemption from a certain requirement to provide DNA for a certain person convicted of a misdemeanor; altering the terms of registration for certain sex offenders on a certain registry; authorizing certain terms of registration to be reduced under certain circumstances; requiring a certain notification relating to the registration of a certain sex offender to be sent to certain school superintendents, schools, school principals, police departments, and certain entities relating to children; requiring local law enforcement units to provide certain notifications to the Department of Public Safety and Correctional Services; expanding certain notification requirements relating to the residence of a certain registrant to include ~~the~~ each county where the registrant habitually lives or intends to habitually live; requiring a certain supervising authority to notify ~~the~~ each local law enforcement unit where a registrant resided or habitually lived in the event of a certain escape or recapture; expanding the authority of a local law enforcement unit to notify entities of the location of a certain sex offender to include notifying child care centers issued a certain letter of compliance; providing that the Department is responsible for receiving and distributing certain communications and notifying certain jurisdictions of certain

information; prohibiting certain registration information provided to the public from including certain information; altering a certain provision to require the Department to post certain information about a registrant on the Internet; requiring the Department to post on the Internet, in plain language that can be understood without special knowledge of the criminal laws of the State, a description of the crime of a sex offender registrant, excluding details that would identify the victim; requiring the Department to provide certain information relating to out-of-state registration status on a certain Internet posting; altering a certain prohibition to provide that a registrant may not fail to provide certain notice, whether written or in person; prohibiting a certain person required to register as a sexual offender from knowingly failing to provide any information required to be included in a registration statement; ~~creating a procedure in which a person who has been convicted of a sexually violent offense and who suffers from a certain mental abnormality or personality disorder may be placed in the custody of the Secretary of Health and Mental Hygiene until the person meets certain criteria; establishing that a term of extended parole supervision commences on the expiration of a certain term of commitment to a certain State facility; requiring the Commissioner of Correction of the Department of Public Safety and Correctional Services to give notice to the Attorney General before certain persons who have been convicted of certain sexually violent offenses are released from confinement; requiring the Attorney General to determine if certain persons meet the criteria of sexually violent offenders in need of commitment; establishing certain procedures for determining whether persons are sexually violent offenders in need of commitment; requiring that a review committee of prosecutors and a multidisciplinary team be formed to make recommendations concerning the identification of sexually violent offenders in need of commitment; making the Commissioner and certain other individuals immune from civil liability for acts performed in good faith in carrying out this Act; specifying the criteria for finding a person to be a sexually violent offender in need of commitment; authorizing the Attorney General to petition the circuit court to find probable cause that a certain person is a sexually violent offender in need of commitment; authorizing a court to order a certain person taken into custody if the court determines certain probable cause exists; authorizing a court to conduct a trial under certain circumstances to determine if a certain person is a sexually violent offender in need of commitment; allowing a certain person certain rights at trial; requiring that the standard of proof at a trial to determine whether a person is a sexually violent offender in need of commitment be that of proof beyond a reasonable doubt; requiring that a person who is found to be a sexually violent offender in need of commitment be placed in the custody of the Secretary of Health and Mental Hygiene for control, care, and treatment at a State facility until the mental abnormality or personality disorder of the person has so changed that the person is not likely to engage in a certain act if released; requiring that a certain committed person in a State facility be subject to an annual mental examination and an annual status review hearing; authorizing the court to determine at an annual status review~~

~~hearing that probable cause exists to believe that the committed person is not likely to engage in certain acts if released; authorizing that a release hearing be held under certain circumstances; establishing the procedures for certain hearings; requiring that the court release a committed person under certain circumstances; providing that certain provisions of this Act have no effect on the operation of certain provisions of the Code; providing for the construction and application of certain provisions of this Act; requiring the Department to adopt certain regulations on or before a certain date; providing that certain provisions of this Act are severable under certain circumstances; making certain conforming changes; defining certain terms; altering certain terms; repealing certain terms; making certain provisions of this Act subject to a certain contingency; and generally relating to sex offender registration, commitment, and court procedures offenders.~~

BY repealing and reenacting, ~~without~~ with amendments,

Article – Criminal Law

Section ~~1-101(g)~~ 3-304 and 3-306

Annotated Code of Maryland

(2002 Volume and 2009 Supplement)

~~BY adding to~~

~~Article – Courts and Judicial Proceedings~~

~~Section 10-916.1~~

~~Annotated Code of Maryland~~

~~(2006 Replacement Volume and 2009 Supplement)~~

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 11-701, ~~11-702~~, 11-702.1, 11-704 through 11-710, 11-712, 11-713, 11-714, 11-717, 11-718(a), and ~~11-721 11-721, and 11-723~~ to be under the amended subtitle “Subtitle 7. Sex Offender Registration”

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,

Article – Criminal Procedure

Section 11-702 and 11-703

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

BY adding to

Article – Criminal Procedure

Section 11-704.1 and 11-704.2

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

~~BY repealing and reenacting, without amendments,~~

~~Article — Health — General~~

~~Section 1—101(a), (c), and (k) and 10—101(e) and (h)~~

~~Annotated Code of Maryland~~

~~(2009 Replacement Volume)~~

~~BY adding to~~

~~Article — Health — General~~

~~Section 10—636 through 10—646 to be under the new part “Part VI. Sexually Violent Offender in Need of Commitment”~~

~~Annotated Code of Maryland~~

~~(2009 Replacement Volume)~~

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

### Article – Criminal Law

3–304.

(a) A person may not engage in vaginal intercourse with another:

(1) by force, or the threat of force, without the consent of the other;

(2) if the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the act knows or reasonably should know that the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual; or

(3) if the victim is under the age of 14 years, and the person performing the act is at least 4 years older than the victim.

(b) A person 18 years of age or older may not violate subsection (a)(1) or (2) of this section involving a child under the age of 13 years.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates subsection (a) of this section is guilty of the felony of rape in the second degree and on conviction is subject to imprisonment not exceeding 20 years.

(2) (i) Subject to subparagraph (iv) of this paragraph, a person 18 years of age or older who violates subsection (b) of this section is guilty of the felony of rape in the second degree and on conviction is subject to imprisonment for not less than [5] 15 years and not exceeding [20 years] LIFE.

(ii) A court may not suspend any part of the mandatory minimum sentence of [5] 15 years.

(iii) The person is not eligible for parole during the mandatory minimum sentence.

(iv) If the State fails to comply with subsection (d) of this section, the mandatory minimum shall not apply.

(d) If the State intends to seek a sentence of imprisonment for not less than [5] 15 years under subsection (c)(2) of this section, the State shall notify the person in writing of the State's intention at least 30 days before trial.

3-306.

(a) A person may not engage in a sexual act with another:

(1) by force, or the threat of force, without the consent of the other;

(2) if the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the sexual act knows or reasonably should know that the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual; or

(3) if the victim is under the age of 14 years, and the person performing the sexual act is at least 4 years older than the victim.

(b) A person 18 years of age or older may not violate subsection (a)(1) or (2) of this section involving a child under the age of 13 years.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of the felony of sexual offense in the second degree and on conviction is subject to imprisonment not exceeding 20 years.

(2) (i) Subject to subparagraph (iv) of this paragraph, a person 18 years of age or older who violates subsection (b) of this section is guilty of the felony of sexual offense in the second degree and on conviction is subject to imprisonment for not less than [5] 15 years and not exceeding [20 years] LIFE.

(ii) A court may not suspend any part of the mandatory minimum sentence of [5] 15 years.

(iii) The person is not eligible for parole during the mandatory minimum sentence.

*(iv) If the State fails to comply with subsection (d) of this section, the mandatory minimum shall not apply.*

*(d) If the State intends to seek a sentence of imprisonment for not less than [5] 15 years under subsection (c)(2) of this section, the State shall notify the person in writing of the State's intention at least 30 days before trial.*

~~1-101.~~

~~(g) "Minor" means an individual under the age of 18 years.~~

~~Article Courts and Judicial Proceedings~~

~~10-916.1.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) "ACT OF SEXUAL MISCONDUCT INVOLVING A MINOR" MEANS A CONVICTION FOR:~~

~~(I) A VIOLATION OF § 3-602 OF THE CRIMINAL LAW ARTICLE;~~

~~(II) A VIOLATION OF FORMER ARTICLE 27, § 35C OF THE CODE OCCURRING BEFORE OCTOBER 1, 2002, THAT INVOLVED SEXUAL ABUSE OF A MINOR;~~

~~(III) A VIOLATION OF TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE INVOLVING A VICTIM WHO IS A MINOR; OR~~

~~(IV) A VIOLATION OF FEDERAL LAW OR THE LAW OF ANOTHER STATE THAT, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE ANY OF THE CRIMES SPECIFIED IN ITEMS (I) THROUGH (III) OF THIS PARAGRAPH.~~

~~(3) "MINOR" HAS THE MEANING STATED IN § 1-101 OF THE CRIMINAL LAW ARTICLE.~~

~~(B) SUBJECT TO SUBSECTION (D) OF THIS SECTION, IN A PROSECUTION FOR A VIOLATION OF § 3-602 OF THE CRIMINAL LAW ARTICLE OR A VIOLATION OF TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE INVOLVING A VICTIM WHO IS A MINOR, EVIDENCE OF THE DEFENDANT'S COMMISSION OF A SEPARATE ACT OF SEXUAL MISCONDUCT INVOLVING A MINOR IS ADMISSIBLE IF THE COURT:~~

~~(1) (i) IN A BENCH TRIAL, FINDS BY CLEAR AND CONVINCING EVIDENCE THAT THE DEFENDANT COMMITTED THE SEPARATE ACT; OR~~

~~(ii) IN A JURY TRIAL, FINDS THAT A REASONABLE JURY COULD FIND BY CLEAR AND CONVINCING EVIDENCE THAT THE DEFENDANT COMMITTED THE SEPARATE ACT; AND~~

~~(2) FINDS THAT THE PROBATIVE VALUE OF THE EVIDENCE IS NOT SUBSTANTIALLY OUTWEIGHED BY THE DANGER OF UNFAIR PREJUDICE AGAINST THE DEFENDANT.~~

~~(c) (1) IF THE STATE INTENDS TO OFFER EVIDENCE UNDER THIS SECTION, THE STATE'S ATTORNEY SHALL DISCLOSE THE EVIDENCE TO THE DEFENDANT AT LEAST 15 DAYS BEFORE THE SCHEDULED DATE OF TRIAL, UNLESS THE COURT ALLOWS DISCLOSURE AT A LATER TIME FOR GOOD CAUSE SHOWN.~~

~~(2) THE DISCLOSURE SHALL INCLUDE STATEMENTS OF WITNESSES OR A SUMMARY OF THE SUBSTANCE OF ANY TESTIMONY THAT THE STATE EXPECTS TO OFFER.~~

~~(d) (1) EVIDENCE DESCRIBED IN SUBSECTION (B) OF THIS SECTION MAY NOT BE REFERRED TO IN A STATEMENT TO A JURY OR INTRODUCED IN A TRIAL UNLESS THE COURT FIRST HOLDS A CLOSED HEARING AND DETERMINES THAT THE EVIDENCE IS ADMISSIBLE.~~

~~(2) IF THE COURT DETERMINES THAT ALL OR SOME OF THE EVIDENCE IS ADMISSIBLE, THE COURT SHALL ENTER AN ORDER STATING WHICH EVIDENCE MAY BE INTRODUCED.~~

~~(3) THE COURT MAY RECONSIDER A RULING EXCLUDING THE EVIDENCE AND HOLD AN ADDITIONAL CLOSED HEARING IF NEW INFORMATION IS DISCOVERED DURING THE COURSE OF THE TRIAL THAT MAY MAKE THE EVIDENCE ADMISSIBLE.~~

~~(e) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE ADMISSION OR CONSIDERATION OF EVIDENCE UNDER ANY OTHER RULE OR PROVISION OF LAW.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

## Article – Criminal Procedure



Subtitle 7. **SEX OFFENDER** Registration [of Certain Offenders].

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)] **(D)** “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)] **(E)** “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] **TIER I SEX OFFENDER, TIER II SEX OFFENDER, OR TIER III SEX OFFENDER.**

**(F) (1) “HABITUALLY LIVES” MEANS ANY PLACE WHERE A PERSON LIVES ~~OR SLEEPS~~, SLEEPS, OR VISITS WITH ANY REGULARITY, INCLUDING WHERE A HOMELESS PERSON IS STATIONED DURING THE DAY OR SLEEPS AT NIGHT.**

**(2) “HABITUALLY LIVES” INCLUDES ANY PLACE WHERE A PERSON VISITS FOR LONGER THAN 5 HOURS PER VISIT MORE THAN 5 TIMES WITHIN A 30-DAY PERIOD.**

**(G) “HOMELESS” MEANS HAVING NO FIXED RESIDENCE.**

**(H) “IMPRISONMENT” MEANS INCARCERATION PURSUANT TO A CONVICTION, REGARDLESS OF THE NATURE OF THE INSTITUTION IN WHICH THE OFFENDER SERVES THE SENTENCE.**

**(I) “JURISDICTION” MEANS A STATE OR A NATIVE AMERICAN TRIBE THAT ELECTS TO FUNCTION AS A REGISTRATION JURISDICTION UNDER FEDERAL LAW.**

**[(g)] (J)** “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)** “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)] (K)** (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) “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)] (L) “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] **JURISDICTION, FEDERAL OR MILITARY COURT, OR FOREIGN COUNTRY** that, if committed in this State, would constitute one of the crimes listed in item (1) or (2) of this subsection.

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

(1)] a person who:

[(i)] (1) is convicted of a sexually violent offense; and

[(ii)] (2) 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].

**(N) "SEX OFFENDER" MEANS A PERSON WHO HAS BEEN CONVICTED OF:**

**(1) AN OFFENSE THAT WOULD REQUIRE THE PERSON TO BE CLASSIFIED AS A TIER I SEX OFFENDER, TIER II SEX OFFENDER, OR TIER III SEX OFFENDER;**

**(2) AN OFFENSE COMMITTED IN ANOTHER STATE OR IN A FEDERAL, MILITARY, OR TRIBAL JURISDICTION THAT, IF COMMITTED IN THIS STATE, WOULD REQUIRE THE PERSON TO BE CLASSIFIED AS A TIER I SEX OFFENDER, TIER II SEX OFFENDER, OR TIER III SEX OFFENDER; OR**

**(3) AN OFFENSE IN A COURT OF CANADA, GREAT BRITAIN, AUSTRALIA, NEW ZEALAND, OR ANY OTHER FOREIGN COUNTRY WHEN THE UNITED STATES DEPARTMENT OF STATE HAS DETERMINED IN ITS COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES THAT AN INDEPENDENT JUDICIARY GENERALLY OR VIGOROUSLY ENFORCED THE RIGHT TO A FAIR TRIAL DURING THE YEAR IN WHICH THE CONVICTION OCCURRED THAT, IF COMMITTED IN THIS STATE, WOULD REQUIRE THE PERSON TO BE CLASSIFIED AS A TIER I SEX OFFENDER, TIER II SEX OFFENDER, OR TIER III SEX OFFENDER.**

**(O) "STUDENT" MEANS AN INDIVIDUAL WHO IS ENROLLED IN OR ATTENDS AN EDUCATION INSTITUTION, INCLUDING A PUBLIC OR PRIVATE SECONDARY SCHOOL, TRADE OR PROFESSIONAL SCHOOL, OR AN INSTITUTION OF HIGHER EDUCATION.**

**[(m)] (P) "Supervising authority" means AN AGENCY OR PERSON THAT IS RESPONSIBLE FOR COLLECTING THE INFORMATION FOR THE INITIAL REGISTRATION OF A SEX OFFENDER AND IS:**

(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] **LOCAL LAW ENFORCEMENT UNIT WHERE THE SEX OFFENDER IS A RESIDENT, IS A TRANSIENT, OR HABITUALLY LIVES ON MOVING FROM ANOTHER JURISDICTION OR FOREIGN COUNTRY THAT REQUIRES REGISTRATION IF THE SEX OFFENDER IS NOT UNDER THE SUPERVISION, CUSTODY, OR CONTROL OF ANOTHER SUPERVISING AUTHORITY;**

[(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)] **(9)** the Director of Parole and Probation, if the registrant is under the supervision of the Division of Parole and Probation; or

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

**(Q) "TIER I SEX OFFENDER" MEANS A PERSON WHO HAS BEEN CONVICTED OF:**

(1) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR COMMITTING A VIOLATION OF § 3-308 OF THE CRIMINAL LAW ARTICLE, ~~IF THE VICTIM IS AN ADULT;~~

(2) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR COMMITTING A VIOLATION OF § 3-902 OR § 11-208 OF THE CRIMINAL LAW ARTICLE ~~OR THE COMMON LAW OFFENSE OF INDECENT EXPOSURE,~~ IF THE VICTIM IS A MINOR;

(3) A CRIME COMMITTED IN A FEDERAL, MILITARY, TRIBAL, OR OTHER JURISDICTION THAT, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE ONE OF THE CRIMES LISTED IN ITEM (1) OR (2) OF THIS SUBSECTION;

(4) ANY OF THE FOLLOWING FEDERAL OFFENSES:

(I) MISLEADING DOMAIN NAMES ON THE INTERNET UNDER 18 U.S.C. § 2252C;

(II) MISLEADING WORDS OR DIGITAL IMAGES ON THE INTERNET UNDER 18 U.S.C. § 2252C;

(III) ENGAGING IN ILLICIT CONDUCT IN FOREIGN PLACES UNDER 18 U.S.C. § 2423(C);

(IV) FAILURE TO FILE A FACTUAL STATEMENT ABOUT AN ALIEN INDIVIDUAL UNDER 18 U.S.C. § 2424;

(V) TRANSMITTING INFORMATION ABOUT A MINOR TO FURTHER CRIMINAL SEXUAL CONDUCT UNDER 18 U.S.C. § 2425;

(VI) SEX TRAFFICKING BY FORCE, FRAUD, OR COERCION UNDER 18 U.S.C. § 1591; OR

(VII) TRAVEL WITH INTENT TO ENGAGE IN ILLICIT CONDUCT UNDER 18 U.S.C. § 2423(B);

(5) ANY MILITARY OFFENSE SPECIFIED BY THE SECRETARY OF DEFENSE UNDER SECTION 115(A)(8)(C)(I) OF PUBLIC LAW 105-119 (CODIFIED AT 10 U.S.C. § 951 NOTE) THAT IS SIMILAR TO THOSE OFFENSES LISTED IN ITEM (4) OF THIS SUBSECTION; OR

(6) A CRIME IN A COURT OF CANADA, GREAT BRITAIN, AUSTRALIA, NEW ZEALAND, OR ANY OTHER FOREIGN COUNTRY WHERE THE

UNITED STATES DEPARTMENT OF STATE HAS DETERMINED IN ITS COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES THAT AN INDEPENDENT JUDICIARY GENERALLY OR VIGOROUSLY ENFORCED THE RIGHT TO A FAIR TRIAL DURING THE YEAR IN WHICH THE CONVICTION OCCURRED THAT, IF THE CRIME WERE COMMITTED IN THIS STATE, WOULD CONSTITUTE ONE OF THE CRIMES LISTED IN ITEMS (1) THROUGH (5) OF THIS SUBSECTION.

(R) “TIER II SEX OFFENDER” MEANS A PERSON WHO HAS BEEN CONVICTED OF:

(1) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR COMMITTING A VIOLATION OF § 3-307(A)(4) OR (5) OF THE CRIMINAL LAW ARTICLE, OR ~~§ 3-308(B) OR (C), § 3-324, § 3-314,~~ § 3-324, § 11-207, OR § 11-209 OF THE CRIMINAL LAW ARTICLE, IF THE VICTIM IS A MINOR;

(2) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR COMMITTING A VIOLATION OF § 11-303, § 11-305, OR § 11-306 OF THE CRIMINAL LAW ARTICLE, IF THE INTENDED PROSTITUTE OR VICTIM IS A MINOR;

(3) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR COMMITTING A VIOLATION OF ~~§ 3-308(B)(1) OR (C), § 3-314,~~ § 3-314 OR § 3-603 OF THE CRIMINAL LAW ARTICLE, IF THE VICTIM IS A MINOR WHO IS AT LEAST 14 YEARS OLD;

(4) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR COMMITTING AN OFFENSE THAT WOULD REQUIRE THE PERSON TO REGISTER AS A TIER I SEX OFFENDER AFTER THE PERSON WAS ALREADY REGISTERED AS A TIER I SEX OFFENDER;

~~(4)~~ (5) A CRIME THAT WAS COMMITTED IN A FEDERAL, MILITARY, TRIBAL, OR OTHER JURISDICTION THAT, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE ONE OF THE CRIMES LISTED IN ITEMS (1) THROUGH (3) OF THIS SUBSECTION; OR

~~(5)~~ (6) A CRIME IN A COURT OF CANADA, GREAT BRITAIN, AUSTRALIA, NEW ZEALAND, OR ANY OTHER FOREIGN COUNTRY WHERE THE UNITED STATES DEPARTMENT OF STATE HAS DETERMINED IN ITS COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES THAT AN INDEPENDENT JUDICIARY GENERALLY OR VIGOROUSLY ENFORCED THE RIGHT TO A FAIR TRIAL DURING THE YEAR IN WHICH THE CONVICTION OCCURRED THAT, IF THE CRIME WERE COMMITTED IN THIS STATE, WOULD CONSTITUTE ONE OF THE CRIMES LISTED IN ITEMS (1) THROUGH (3) OF THIS SUBSECTION.



(S) "TIER III SEX OFFENDER" MEANS A PERSON WHO HAS BEEN CONVICTED OF:

(1) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR COMMITTING A VIOLATION OF:

(I) ~~§ 2-201(4)(VII), § 2-201(A)(4)(VIII),~~ (X), OR (XI) OF THE CRIMINAL LAW ARTICLE; ~~OR~~

(II) § 3-303, § 3-304, § 3-305, § 3-306, § 3-307(A)(1) OR (2), § 3-309, § 3-310, § 3-311, § 3-312, § 3-315, ~~§ 3-322, § 3-323, § 3-502, OR § 3-602 OF THE CRIMINAL LAW ARTICLE, OR THE COMMON LAW OFFENSE OF SODOMY;~~ OR

(III) THE COMMON LAW OFFENSE OF SODOMY OR § 3-322 OF THE CRIMINAL LAW ARTICLE IF THE OFFENSE WAS COMMITTED WITH FORCE OR THREAT OF FORCE;

(2) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR COMMITTING A VIOLATION OF § 3-307(A)(3), ~~§ 3-308,~~ § 3-314, § 3-503, OR § 3-603 OF THE CRIMINAL LAW ARTICLE, IF THE VICTIM IS UNDER THE AGE OF 14 YEARS;

(3) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR COMMITTING THE COMMON LAW OFFENSE OF FALSE IMPRISONMENT, IF THE VICTIM IS A MINOR;

(4) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR COMMITTING AN OFFENSE THAT WOULD REQUIRE THE PERSON TO REGISTER AS A TIER I OR TIER II SEX OFFENDER AFTER THE PERSON WAS ALREADY REGISTERED AS A TIER II SEX OFFENDER;

~~(5) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR COMMITTING A VIOLATION OF § 3-202 OR § 3-203 OF THE CRIMINAL LAW ARTICLE, IF THE PERSON IS CHARGED WITH A VIOLATION OF § 3-303, § 3-304, § 3-305, OR § 3-306 OF THE CRIMINAL LAW ARTICLE ARISING OUT OF THE SAME INCIDENT;~~

~~(5)~~ A CRIME COMMITTED IN A FEDERAL, MILITARY, TRIBAL, OR OTHER JURISDICTION THAT, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE ONE OF THE CRIMES LISTED IN ITEMS (1) THROUGH ~~(4)~~ (3) OF THIS SUBSECTION; OR

~~(6)~~ ~~(5)~~ **(6)** A CRIME IN A COURT OF CANADA, GREAT BRITAIN, AUSTRALIA, NEW ZEALAND, OR ANY OTHER FOREIGN COUNTRY WHERE THE UNITED STATES DEPARTMENT OF STATE HAS DETERMINED IN ITS COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES THAT AN INDEPENDENT JUDICIARY GENERALLY OR VIGOROUSLY ENFORCED THE RIGHT TO A FAIR TRIAL DURING THE YEAR IN WHICH THE CONVICTION OCCURRED THAT, IF THE CRIME WERE COMMITTED IN THIS STATE, WOULD CONSTITUTE ONE OF THE CRIMES LISTED IN ITEMS (1) THROUGH ~~(4)~~ **(3)** OF THIS SUBSECTION.

**[(n)] (T)** “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.

11-702.

For the purposes of this subtitle, a person is convicted when the person:

- (1) is found guilty of a crime by a jury or judicial officer;
- (2) enters a plea of guilty or nolo contendere;
- (3) is granted a probation before judgment ~~after a finding of guilt for a crime if the court, as a condition of probation, orders compliance with the requirements of this subtitle~~; or
- (4) is found not criminally responsible for a crime.

11-702.1.

~~(a) Notwithstanding any other provision of law to the contrary, [except as provided in subsection (b) of this section,] this subtitle shall be applied retroactively to include a [registrant convicted of an offense committed before July 1, 1997, and who is under the custody or supervision of a supervising authority on October 1, 2001] **TIER I SEX OFFENDER RELEASED AFTER OCTOBER 1, 1993, FOR A CRIME REQUIRING REGISTRATION UNDER THIS SUBTITLE.**~~

~~(b) Notwithstanding any other provision of law to the contrary, this subtitle shall be applied retroactively to a [child sexual offender who committed the sexual offense on or before October 1, 1995, and who is under the custody or supervision of a supervising authority on October 1, 2001] **TIER II SEX OFFENDER RELEASED AFTER OCTOBER 1, 1984.**~~

~~(e) [(1) Notwithstanding any other provision of law to the contrary, this subtitle shall be applied retroactively to include:~~

~~(i) a person convicted on or after July 1, 1997, of an offense committed before July 1, 1997, for which registration as a sexually violent predator or sexually violent offender is required under this subtitle; and~~

~~(ii) a person convicted on or after October 1, 1995, of an offense committed before October 1, 1995, for which registration as a child sexual offender is required under this subtitle.] NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THIS SUBTITLE SHALL BE APPLIED RETROACTIVELY TO ALL TIER III SEX OFFENDERS.~~

~~[(2)] (D) The Department shall ATTEMPT TO contact and notify each person [who is not under the custody or supervision of a supervising authority on October 1, 2009,] for whom registration is required under [paragraph (1) of this subsection] THIS SECTION.~~

**(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THIS SUBTITLE SHALL BE APPLIED RETROACTIVELY TO INCLUDE A PERSON WHO:**

**(1) IS UNDER THE CUSTODY OR SUPERVISION OF A SUPERVISING AUTHORITY ON OCTOBER 1, 2010;**

**(2) WAS SUBJECT TO REGISTRATION UNDER THIS SUBTITLE ON SEPTEMBER 30, 2010; OR**

**(3) IS CONVICTED OF ANY CRIME ON OR AFTER OCTOBER 1, 2010, AND HAS A PRIOR CONVICTION FOR AN OFFENSE FOR WHICH REGISTRATION AS A SEX OFFENDER IS REQUIRED UNDER THIS SUBTITLE.**

~~(E) (B) THE TERM OF REGISTRATION FOR A SEX OFFENDER REGISTERED UNDER SUBSECTION (A) OR (B) OF THIS SECTION SHALL BE CALCULATED FROM THE DATE OF RELEASE.~~

11-703.

(a) (1) Subject to subsections (b) and (c) of this section, if a person is convicted of a sexually violent offense, the State's Attorney before sentencing may ask the court to determine whether the person is a sexually violent predator.

(2) If the State's Attorney makes a request under paragraph (1) of this subsection, the court shall determine, before or at sentencing, whether the person is a sexually violent predator.

(b) In making a determination under subsection (a) of this section, the court shall consider:

(1) evidence that the court considers appropriate to the determination of whether the person is a sexually violent predator, including the presentencing investigation and sexually violent offender's inmate record;

(2) evidence introduced by the person convicted; and

(3) at the request of the State's Attorney, evidence that a victim of the sexually violent offense presents.

(c) The State's Attorney may not ask a court to determine whether a person is a sexually violent predator under this section unless the State's Attorney serves written notice of intent to make the request on the defendant or the defendant's counsel at least 30 days before trial.

11-704.

(a) [Subject to subsection (c) of this section, a] **A** person shall register with the person's supervising authority if the person is:

(1) [a child sexual offender] **A TIER I SEX OFFENDER;**

(2) [an offender] **A TIER II SEX OFFENDER;**

(3) [a sexually violent offender] **A TIER III SEX OFFENDER; OR**

(4) [a sexually violent predator;

(5) a child sexual offender who, before moving into this State, was required to register in another state or by a federal, military, or Native American tribal court for a crime that occurred before October 1, 1995;

(6) an offender, sexually violent offender, or sexually violent predator who, before moving into this State, was required to register in another state or by a federal, military, or Native American tribal court for a crime that occurred before July 1, 1997; or

(7) a child sexual offender, offender, sexually violent offender, or sexually violent predator] **A SEX OFFENDER** who is required to register [in] **BY** another [state,] **JURISDICTION, A FEDERAL, MILITARY, OR TRIBAL COURT, OR A FOREIGN GOVERNMENT, AND** who is not a resident of this State, and who enters this State:

(i) **TO BEGIN RESIDING OR TO HABITUALLY LIVE;**

(II) to carry on employment;

[(ii)] (III) to attend a public or private educational institution, including a secondary school, trade or professional institution, or institution of higher education, as a full-time or part-time student; or

[(iii)] (IV) as a transient.

(b) Notwithstanding any other provision of law, a person is no longer subject to registration under this subtitle if:

(1) the underlying conviction requiring registration is reversed, vacated, or set aside; or

(2) the registrant is pardoned for the underlying conviction.

‡(c) (1) A person ~~described under § 11-701(e)(5)(i) of this subtitle, or a person described under § 11-701(j)(3)(i) of this subtitle~~ **WHO HAS BEEN ADJUDICATED DELINQUENT FOR AN ACT THAT, IF COMMITTED BY AN ADULT, WOULD CONSTITUTE A VIOLATION OF § 3-303, § 3-304, § 3-305, OR § 3-306 OF THE CRIMINAL LAW ARTICLE, OR § 3-307(A)(1) OR (2) OR § 3-308(B)(1) OF THE CRIMINAL LAW ARTICLE INVOLVING CONDUCT DESCRIBED IN § 3-301(F)(2) OF THE CRIMINAL LAW ARTICLE**, shall register with the person's supervising authority if:

(i) the person was a minor who was at least 13 years old at the time the delinquent act was committed;

(ii) the State's Attorney or the Department of Juvenile Services requests that the person be required to register;

(iii) 90 days prior to the time the juvenile court's jurisdiction over the person terminates under § 3-8A-07 of the Courts Article, the court, after a hearing, determines under a clear and convincing evidence standard that the person is at significant risk of committing a sexually violent offense or an offense for which registration as a ~~child sexual~~ **TIER II SEX OFFENDER OR TIER III SEX** offender is required; and

(iv) the person is at least 18 years old.

(2) If the person has committed a delinquent act that would cause the court to make a determination regarding registration under paragraph (1) of this subsection:

(i) the State's Attorney shall serve written notice to the person or the person's counsel at least 30 days before a hearing to determine if the person is required to register under this section; and

(ii) the Department of Juvenile Services shall:

1. provide the court with any information necessary to make the determination; and

2. conduct any follow-up the court requires.

(3) The form of petitions and all other pleadings under this subsection and, except as otherwise provided under Title 3 of the Courts and Judicial Proceedings Article, the procedures to be followed by the court under this subsection shall be specified in the Maryland Rules.

(4) The court may order an evaluation of the person in making the determination under paragraph (1) of this subsection.†

#### 11-704.1.

~~A PERSON WHO IS UNDER THE AGE OF 18 AT THE TIME THE PERSON COMMITS AN OFFENSE THAT REQUIRES REGISTRATION AS A TIER I SEX OFFENDER, TIER II SEX OFFENDER, OR TIER III SEX OFFENDER MUST REGISTER IF:~~

~~(1) CRIMINAL JURISDICTION OVER THE PERSON HAS BEEN WAIVED TO AN ADULT COURT AND THE PERSON HAS BEEN CONVICTED AS REQUIRED BY THIS SUBTITLE;~~

~~(2) THE PERSON IS AT LEAST 14 YEARS OLD AND HAS BEEN ADJUDICATED DELINQUENT FOR A VIOLATION OF § 3-303, § 3-304, § 3-305, OR § 3-306 OF THE CRIMINAL LAW ARTICLE; OR~~

~~(3) THE PERSON IS AT LEAST 14 YEARS OLD AND HAS BEEN ADJUDICATED DELINQUENT FOR A VIOLATION OF § 3-307(A)(1) OR § 3-307(A)(2) OF THE CRIMINAL LAW ARTICLE, IF THE VICTIM IS A CHILD UNDER THE AGE OF 12.~~

**(A) A PERSON SHALL BE INCLUDED IN A LISTING OF JUVENILE SEX OFFENDERS THAT IS MAINTAINED BY THE DEPARTMENT SEPARATELY FROM THE SEX OFFENDER REGISTRY IF:**

**(1) THE PERSON HAS BEEN ADJUDICATED DELINQUENT FOR AN ACT THAT, IF COMMITTED BY AN ADULT, WOULD CONSTITUTE A VIOLATION OF § 3-303, § 3-304, § 3-305, OR § 3-306 OF THE CRIMINAL LAW ARTICLE, OR § 3-307(A)(1) OR (2) OR § 3-308(B)(1) OF THE CRIMINAL LAW ARTICLE INVOLVING CONDUCT DESCRIBED IN § 3-301(F)(2) OF THE CRIMINAL LAW ARTICLE; AND**

**(2) THE PERSON WAS A MINOR WHO WAS AT LEAST 13 YEARS OLD AT THE TIME THE DELINQUENT ACT WAS COMMITTED.**

**(B) THE LISTING OF JUVENILE SEX OFFENDERS SHALL BE ACCESSIBLE ONLY BY LAW ENFORCEMENT PERSONNEL FOR LAW ENFORCEMENT PURPOSES.**

**(C) WHEN THE JUVENILE COURT'S JURISDICTION OVER A PERSON WHO IS INCLUDED IN THE LISTING OF JUVENILE SEX OFFENDERS TERMINATES UNDER § 3-8A-07 OF THE COURTS ARTICLE, THE PERSON SHALL BE REMOVED FROM THE LISTING.**

11-704.2.

**(A) ON WRITTEN REQUEST BY A FEDERAL AGENCY OPERATING A FEDERAL WITNESS SECURITY PROGRAM ESTABLISHED UNDER 18 U.S.C. 3521, THE REGISTRATION REQUIREMENT FOR A SEX OFFENDER UNDER THE PROTECTION OF A FEDERAL WITNESS SECURITY PROGRAM IS WAIVED AND THE PERSON UNDER PROTECTION IS EXEMPT FROM REGISTRATION.**

**(B) ON WRITTEN REQUEST BY A NONFEDERAL AGENCY THAT OPERATES A WITNESS PROTECTION PROGRAM COMPARABLE TO A FEDERAL PROGRAM ESTABLISHED UNDER 18 U.S.C. 3521, THE REGISTRATION REQUIREMENT FOR A SEX OFFENDER UNDER THE PROTECTION OF A WITNESS PROTECTION PROGRAM IS WAIVED AND THE PERSON UNDER PROTECTION IS EXEMPT FROM REGISTRATION.**

**(C) A WAIVER GRANTED UNDER THIS SECTION IS TERMINATED, AND REGISTRATION IS REQUIRED, IF A SEX OFFENDER EXEMPTED FROM REGISTRATION UNDER THIS SECTION SUBSEQUENTLY IS CONVICTED OF AN OFFENSE THAT REQUIRES REGISTRATION UNDER THIS SUBTITLE.**

11-705.

(a) In this section, “resident” means a person who [lives] **HAS A HOME OR ~~AN OTHER PLACE THAT~~ WHERE THE PERSON HABITUALLY LIVES LOCATED** in this State when the person:

- (1) is released;
- (2) is granted probation;
- (3) is granted a suspended sentence; ~~OR~~
- (4) receives a sentence that does not include a term of imprisonment~~;~~

or

(5) is released from the juvenile court’s jurisdiction under § 3–8A–07 of the Courts Article, if the person was a minor who lived in the State at the time the act was committed for which registration is required~~;~~.

(b) A registrant shall register with the **APPROPRIATE** supervising authority **IN THE STATE:**

(1) [if the registrant is a resident, on or] **IF THE REGISTRANT WAS SENTENCED TO A TERM OF IMPRISONMENT** before the date that the registrant [:] **IS RELEASED; OR**

**(2) WITHIN 3 DAYS OF THE DATE THAT THE REGISTRANT:**

[(i) is released;]

[(ii) **(I)** is granted probation before judgment;

[(iii) **(II)** is granted probation after judgment;

[(iv) **(III)** is granted a suspended sentence; or

[(v) **(IV)** receives a sentence that does not include a term of imprisonment;

~~[(2) **(3)** if the registrant was a resident who was a minor at the time the act was committed for which registration is required, within ~~7~~ **3** days after the juvenile court’s jurisdiction over the person terminates under § 3–8A–07 of the Courts Article;]~~

~~[(3) **(4)** if the registrant moves into the State, within [7] **3** days after the earlier of the date that the registrant:~~



State; [or]

(i) establishes a temporary or permanent residence in the

(ii) **BEGINS TO HABITUALLY LIVE IN THE STATE; OR**

(iii) applies for a driver's license in the State; or

~~4~~ **(5)** if the registrant is not a resident, within [14] **3** days after the registrant:

(i) begins employment in the State;

(ii) registers as a student in the State; or

(iii) enters the State as a transient.

(c) (1) A [child sexual] **SEX** offender shall also register in person with the local law enforcement unit of ~~the~~ **EACH** county where the [child sexual] **SEX** offender [will reside] **RESIDES WITHIN 3 DAYS OF:**

(i) [within 7 days after release, or within 7 days after the juvenile court's jurisdiction over the person terminates under § 3-8A-07 of the Courts Article, if the child sexual offender is a resident] **RELEASE FROM ANY PERIOD OF IMPRISONMENT OR ARREST;** or

(ii) [within 7 days] ~~after~~ registering with the supervising authority, if the registrant is moving into this State **AND THE LOCAL LAW ENFORCEMENT UNIT IS NOT THE SUPERVISING AUTHORITY.**

(2) [Within 7 days after registering with the supervising authority, a child sexual offender who is not a resident and has entered the State under § 11-704(a)(7) of this subtitle shall also register in person with the local law enforcement unit of the county where the child sexual offender is a transient or will work or attend school.

(3) A child sexual offender] **A SEX OFFENDER** may be required to give to ~~the~~ **A THE** local law enforcement unit more information than required under § 11-706 of this subtitle.

(d) (1) **A HOMELESS REGISTRANT ALSO SHALL REGISTER IN PERSON WITH THE LOCAL LAW ENFORCEMENT UNIT IN ~~THE~~ EACH COUNTY WHERE THE REGISTRANT HABITUALLY LIVES:**

**(I) WITHIN 3 DAYS AFTER THE EARLIER OF THE DATE OF RELEASE OR AFTER REGISTERING WITH THE SUPERVISING AUTHORITY; AND**

**(II) WITHIN ~~24 HOURS~~ 3 DAYS AFTER ENTERING AND REMAINING IN A COUNTY.**

**(2) AFTER INITIALLY REGISTERING WITH ~~THE~~ A LOCAL LAW ENFORCEMENT UNIT UNDER THIS SUBSECTION, A HOMELESS REGISTRANT SHALL REGISTER ONCE A WEEK IN PERSON DURING THE TIME THE HOMELESS REGISTRANT HABITUALLY LIVES IN THE COUNTY.**

**(3) THE REGISTRATION REQUIREMENTS UNDER THIS SUBSECTION ARE IN ADDITION TO ANY OTHER REQUIREMENTS THE HOMELESS REGISTRANT IS SUBJECT TO ACCORDING TO THE REGISTRANT'S CLASSIFICATION AS A TIER I SEX OFFENDER, TIER II SEX OFFENDER, TIER III SEX OFFENDER, OR SEXUALLY VIOLENT PREDATOR.**

**(4) IF A REGISTRANT WHO WAS HOMELESS OBTAINS A FIXED ADDRESS, THE REGISTRANT SHALL REGISTER WITH THE APPROPRIATE SUPERVISING AUTHORITY AND LOCAL LAW ENFORCEMENT UNIT WITHIN 3 DAYS AFTER OBTAINING A FIXED ADDRESS.**

**(E) [A] WITHIN 3 DAYS OF ANY CHANGE, A registrant [who changes residences shall send written notice of the change to the State registry within 5 days after the change occurs.] SHALL NOTIFY THE LOCAL LAW ENFORCEMENT UNIT WHERE THE REGISTRANT MOST RECENTLY REGISTERED AND ~~THE~~ EACH LOCAL LAW ENFORCEMENT UNIT WHERE THE REGISTRANT WILL RESIDE OR HABITUALLY LIVE OF CHANGES IN:**

- (1) RESIDENCE;**
- (2) THE COUNTY IN WHICH THE REGISTRANT HABITUALLY LIVES;**
- (3) VEHICLE OR LICENSE PLATE INFORMATION;**
- (4) ELECTRONIC MAIL OR INTERNET IDENTIFIERS;**
- (5) HOME OR CELL PHONE NUMBERS; OR**
- (6) EMPLOYMENT.**

**[(e)] (F) (1) A registrant who commences or terminates enrollment as a full-time or part-time student at an institution of higher education in the State shall [send written notice to the State registry] PROVIDE NOTICE IN PERSON TO THE**

**LOCAL LAW ENFORCEMENT UNIT WHERE THE INSTITUTION OF HIGHER EDUCATION IS LOCATED** within [5] 3 days after the commencement or termination of enrollment.

(2) A registrant who commences or terminates carrying on employment at an institution of higher education in the State shall [send written notice to the State registry] **PROVIDE NOTICE IN PERSON TO THE LOCAL LAW ENFORCEMENT UNIT WHERE THE INSTITUTION OF HIGHER EDUCATION IS LOCATED** within [5] 3 days after the commencement or termination of employment.

**[(f)] (G)** A registrant who is granted a legal change of name by a court shall send written notice of the change to ~~the~~ EACH [State registry] **LOCAL LAW ENFORCEMENT UNIT WHERE THE REGISTRANT RESIDES OR HABITUALLY LIVES** within [5] 3 days after the change is granted.

**(H) A REGISTRANT SHALL NOTIFY ~~THE~~ EACH LOCAL LAW ENFORCEMENT UNIT WHERE THE REGISTRANT RESIDES OR HABITUALLY LIVES AT LEAST 3 DAYS PRIOR TO LEAVING THE UNITED STATES TO COMMENCE RESIDENCE OR EMPLOYMENT OR ATTEND SCHOOL IN A FOREIGN COUNTRY.**

**(I) (1) A REGISTRANT SHALL NOTIFY ~~THE~~ EACH LOCAL LAW ENFORCEMENT UNIT WHERE THE REGISTRANT RESIDES OR HABITUALLY LIVES WHEN THE REGISTRANT OBTAINS A TEMPORARY RESIDENCE OR ALTERS THE LOCATION WHERE THE REGISTRANT RESIDES OR HABITUALLY LIVES FOR MORE THAN ~~7~~ 5 DAYS OR WHEN THE REGISTRANT WILL BE ABSENT FROM THE REGISTRANT'S RESIDENCE OR A LOCATION WHERE THE REGISTRANT RESIDES OR HABITUALLY LIVES FOR MORE THAN 7 DAYS.**

**(2) NOTIFICATION UNDER THIS SUBSECTION SHALL:**

**(I) BE MADE IN WRITING OR IN PERSON PRIOR TO OBTAINING A TEMPORARY RESIDENCE, COMMENCING THE PERIOD OF ABSENCE, OR TEMPORARILY ALTERING ~~THE~~ A LOCATION WHERE THE REGISTRANT RESIDES OR HABITUALLY LIVES;**

**(II) INCLUDE THE TEMPORARY ADDRESS OR DETAILED DESCRIPTION OF THE TEMPORARY LOCATION WHERE THE REGISTRANT WILL RESIDE OR HABITUALLY LIVE; AND**

**(III) CONTAIN THE ANTICIPATED DATES THAT THE TEMPORARY RESIDENCE OR LOCATION WILL BE USED BY THE REGISTRANT AND THE ANTICIPATED DATES THAT THE REGISTRANT WILL BE ABSENT FROM THE REGISTRANT'S PERMANENT RESIDENCE OR ~~LOCATION~~ LOCATIONS WHERE THE REGISTRANT REGULARLY RESIDES OR HABITUALLY LIVES.**

**(J) A REGISTRANT WHO ESTABLISHES A NEW ELECTRONIC MAIL ADDRESS, COMPUTER LOG-IN OR SCREEN NAME OR IDENTITY, INSTANT-MESSAGE IDENTITY, OR ELECTRONIC CHAT ROOM IDENTITY SHALL SEND WRITTEN NOTICE OF THE NEW INFORMATION TO THE STATE REGISTRY WITHIN 3 DAYS AFTER THE ELECTRONIC MAIL ADDRESS, COMPUTER LOG-IN OR SCREEN NAME OR IDENTITY, INSTANT-MESSAGE IDENTITY, OR ELECTRONIC CHAT ROOM IDENTITY IS ESTABLISHED.**

11-706.

(a) **[A] FOR ALL SEX OFFENDERS IN THE STATE,** A registration statement shall include:

(1) the registrant's full name, including any suffix, and ~~address OR PLACE~~ **ALL ADDRESSES AND PLACES WHERE THE REGISTRANT RESIDES OR HABITUALLY LIVES;**

(2) **[(i) for a registrant under § 11-704(a)(7)(i) of this subtitle or who is on work release, the registrant's place of employment; or] THE NAME AND ADDRESS OF EACH OF THE REGISTRANT'S EMPLOYER EMPLOYERS AND A DESCRIPTION OF ~~THE~~ EACH LOCATION WHERE THE REGISTRANT PERFORMS EMPLOYMENT DUTIES, IF THAT LOCATION DIFFERS FROM THE ADDRESS OF THE EMPLOYER;**

**[(ii) for a registrant under § 11-704(a)(7)(ii) of this subtitle, the registrant's place of educational institution or school enrollment;]**

(3) **[(i) for a registrant enrolled, or expecting to enroll, in an institution of higher education in the State as a full-time or part-time student, the name and address of the institution of higher education; or**

**(ii) for a registrant who carries on employment, or expects to carry on employment, at an institution of higher education in the State, the name and address of the institution of higher education] THE NAME OF THE REGISTRANT'S EDUCATIONAL INSTITUTION OR PLACE OF SCHOOL ENROLLMENT AND THE REGISTRANT'S EDUCATIONAL INSTITUTION OR SCHOOL ADDRESS;**

(4) a description of the crime for which the registrant was convicted;

(5) the date that the registrant was convicted;

(6) the jurisdiction **AND THE NAME OF THE COURT** in which the registrant was convicted;

(7) a list of any aliases, former names, **NAMES BY WHICH THE REGISTRANT LEGALLY HAS BEEN KNOWN, TRADITIONAL NAMES GIVEN BY FAMILY OR CLAN UNDER ETHNIC OR TRIBAL TRADITION**, electronic mail addresses, computer log-in or screen names or identities, instant-messaging identities, and electronic chat room identities that the registrant has used;

(8) the registrant's Social Security number **AND ANY PURPORTED SOCIAL SECURITY NUMBERS, THE REGISTRANT'S DATE OF BIRTH, ~~OR~~ PURPORTED DATES OF BIRTH, AND PLACE OF BIRTH;**

(9) [any other name by which the registrant has been legally known] **~~ANY~~ ALL IDENTIFYING FACTORS, INCLUDING A PHYSICAL DESCRIPTION;**

(10) [a copy of the registrant's valid driver's license or identification card;] **A COPY OF THE REGISTRANT'S PASSPORT OR IMMIGRATION PAPERS;**

**(11) INFORMATION REGARDING ANY PROFESSIONAL LICENSES THE REGISTRANT HOLDS;**

~~[(11)]~~ **(12) the license plate number ~~OR~~, REGISTRATION NUMBER,** and description of any vehicle, **INCLUDING ALL MOTOR VEHICLES, BOATS, AND AIRCRAFT**, owned or regularly operated by the registrant; [and]

**(13) THE PERMANENT OR FREQUENT ~~ADDRESS~~ ADDRESSES OR LOCATIONS WHERE ALL VEHICLES ARE KEPT;**

**(14) ALL LANDLINE AND CELLULAR TELEPHONE NUMBERS AND ANY OTHER DESIGNATIONS USED BY THE SEX OFFENDER FOR THE PURPOSES OF ROUTING OR SELF-IDENTIFICATION IN TELEPHONIC COMMUNICATIONS;** ~~LANDLINE TELEPHONE NUMBERS, AND CELL PHONE NUMBERS;~~

**(15) A COPY OF THE REGISTRANT'S VALID DRIVER'S LICENSE OR IDENTIFICATION CARD;**

**(16) THE REGISTRANT'S FINGERPRINTS AND PALM PRINTS;**

**(17) THE CRIMINAL HISTORY OF THE SEX OFFENDER, INCLUDING: THE ~~DATE~~ DATES OF ALL ARRESTS AND CONVICTIONS, THE STATUS OF PAROLE, PROBATION, OR SUPERVISED RELEASE, ~~REGISTRATION STATUS~~, AND THE EXISTENCE OF ANY OUTSTANDING ARREST WARRANTS; AND**

~~[(12)]~~ **(18) the registrant's signature and date signed.**

(b) If the registrant is **DETERMINED TO BE** a sexually violent predator, the registration statement shall also include:

(1) [identifying factors, including a physical description;

(2)] anticipated future residence, if known at the time of registration;

**AND**

[(3) offense history; and]

[[4)] (2) documentation of treatment received for a mental abnormality or personality disorder.

11-707.

(a) (1) (i) A [child sexual] **TIER I SEX OFFENDER AND A TIER II SEX** offender shall register in person every 6 months with a local law enforcement unit for the term provided under paragraph (4) of this subsection.

(ii) Registration shall include a [photograph] **DIGITAL IMAGE** that shall be updated every 6 months.

(2) (i) [An offender and a sexually violent] **A TIER III SEX** offender shall register in person every [6] **3** months with a local law enforcement unit for the term provided under paragraph (4) of this subsection.

(ii) Registration shall include a [photograph] **DIGITAL IMAGE** that shall be updated every 6 months.

(3) (i) A sexually violent predator shall register in person every 3 months **WITH A LOCAL LAW ENFORCEMENT UNIT** for the term provided under paragraph [(4)(ii)] **(4)** of this subsection.

(ii) Registration shall include a [photograph] **DIGITAL IMAGE** that shall be updated every 6 months.

(4) [The] **SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE** term of registration is:

(i) [except as provided in items (ii) and (iii) of this paragraph, 10 years] **15 YEARS, IF THE REGISTRANT IS A TIER I SEX OFFENDER;**

**(II) 25 YEARS, IF THE REGISTRANT IS A TIER II SEX OFFENDER; OR**

~~[(ii)]~~ **(III)** [except as provided in item (iii) of this paragraph,] the life of the registrant, if[

1. the registrant is a sexually violent predator;
2. the registrant has been convicted of a sexually violent offense;
3. the registrant 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
4. the registrant has been convicted of a prior crime as a child sexual offender, an offender, or a sexually violent offender; or] **THE REGISTRANT IS A TIER III SEX OFFENDER; OR**

~~[(iii)]~~ **(IV)** up to 5 years, if the registrant is a person described under § ~~11-701(e)(5)(i) of this subtitle or a person described under § 11-701(j)(3)(i)~~ **11-704(C)(1)** of this subtitle, subject to reduction by the juvenile court on the filing of a petition by the registrant for a reduction in the term of registration.†

(5) A registrant who is not a resident of the State shall register for the appropriate time specified in this subsection or until the registrant's employment, student enrollment, or transient status in the State ends.

(b) A term of registration described in this section shall be computed from:

- (1) the last date of release;
- (2) the date granted probation; ~~OR~~
- (3) the date granted a suspended sentence†; or
- (4) the date the juvenile court's jurisdiction over the registrant terminates under § 3-8A-07 of the Courts Article if the registrant was a minor who lived in the State at the time the act was committed for which registration is required†.

**(C) ~~(4)~~ THE TERM OF REGISTRATION FOR A TIER I SEX OFFENDER SHALL BE REDUCED TO 10 YEARS IF, IN THE 10 YEARS FOLLOWING THE DATE ON WHICH THE REGISTRANT WAS REQUIRED TO REGISTER, THE REGISTRANT:**

**~~(4)~~ (1) IS NOT CONVICTED OF ANY OFFENSE FOR WHICH A TERM OF IMPRISONMENT OF MORE THAN 1 YEAR MAY BE IMPOSED;**

~~(H) (2)~~ IS NOT CONVICTED OF ANY SEX OFFENSE;

~~(HH) (3)~~ SUCCESSFULLY COMPLETES, WITHOUT REVOCATION, ANY PERIOD OF SUPERVISED RELEASE, PAROLE, OR PROBATION; AND

~~(IV) (4)~~ SUCCESSFULLY COMPLETES AN APPROPRIATE SEX OFFENDER TREATMENT PROGRAM ~~CERTIFIED BY THE STATE.~~

~~(2) THE TERM OF REGISTRATION FOR A REGISTRANT CONVICTED OF A TIER III SEX OFFENSE, WHO WAS REQUIRED TO REGISTER ON THE BASIS OF A JUVENILE ADJUDICATION, SHALL BE REDUCED TO 25 YEARS IF, IN THE 25 YEARS FOLLOWING THE DATE ON WHICH THE REGISTRANT WAS REQUIRED TO REGISTER, THE REGISTRANT:~~

~~(I) IS NOT CONVICTED OF ANY OFFENSE FOR WHICH A TERM OF IMPRISONMENT OF MORE THAN 1 YEAR MAY BE IMPOSED;~~

~~(H) IS NOT CONVICTED OF ANY SEX OFFENSE;~~

~~(HH) SUCCESSFULLY COMPLETES, WITHOUT REVOCATION, ANY PERIOD OF SUPERVISED RELEASE, PAROLE, OR PROBATION; AND~~

~~(IV) SUCCESSFULLY COMPLETES AN APPROPRIATE SEX OFFENDER TREATMENT PROGRAM CERTIFIED BY THE STATE.~~

11-708.

(a) When a registrant registers, the supervising authority shall:

(1) give written notice to the registrant of the requirements of this subtitle;

(2) explain the requirements of this subtitle to the registrant, including:

(i) the duties of a registrant when the registrant changes residence address in this State **OR CHANGES THE COUNTY IN WHICH THE REGISTRANT HABITUALLY LIVES;**

(ii) the duties of a registrant under [§ 11-705(e) and (f)] **§ 11-705** of this subtitle;



(iii) the requirement for a [child sexual] **SEX** offender to register in person with the local law enforcement unit of ~~the~~ **EACH** county where the [child sexual] **SEX** offender will reside **OR HABITUALLY LIVE** or where the [child sexual] **SEX** offender who is not a resident of this State is a transient or will work or attend school; and

(iv) the requirement that if the registrant changes residence address, employment, or school enrollment to another state that has a registration requirement, the registrant shall register with the designated law enforcement unit **OR SEX OFFENDER REGISTRATION UNIT** of that state within [7] **3** days after the change; and

(3) obtain a statement signed by the registrant acknowledging that the supervising authority explained the requirements of this subtitle and gave written notice of the requirements to the registrant.

(b) (1) The supervising authority shall obtain an updated [photograph and fingerprints] **DIGITAL IMAGE, FINGERPRINTS, AND PALM PRINTS** of the registrant and [attach] **FORWARD** the updated [photograph and fingerprints] **DIGITAL IMAGE, FINGERPRINTS, AND PALM PRINTS** to the [registration statement] **DEPARTMENT**.

(2) For a registrant who has not submitted a DNA sample, as defined in § 2-501 of the Public Safety Article, for inclusion in the statewide DNA database system of the Department of State Police Crime Laboratory, the supervising authority shall:

(i) obtain a DNA sample from the registrant at the registrant's initial registration; and

(ii) provide the sample to the statewide DNA database system of the Department of State Police Crime Laboratory.

[(3) This subsection does not apply if the registrant is required to register under § 11-704 of this subtitle solely as a result of a misdemeanor conviction.]

(c) (1) Within [5] **3** days after obtaining a registration statement, the supervising authority shall send a copy of the registration statement with the attached fingerprints [and updated photograph], **PALM PRINTS, AND UPDATED DIGITAL IMAGE** of the registrant to the local law enforcement unit in ~~the~~ **EACH** county where the registrant will reside **OR HABITUALLY LIVE** or where a registrant who is not a resident is a transient or will work or attend school.

(2) (i) If the registrant is enrolled in or carries on employment at, or is expecting to enroll in or carry on employment at, an institution of higher

education in the State, within [5] **3** days after obtaining a registration statement, the supervising authority shall send a copy of the registration statement with the attached fingerprints [and updated photograph], **PALM PRINTS, AND UPDATED DIGITAL IMAGE** of the registrant to the campus police agency of the institution of higher education.

(ii) If an institution of higher education does not have a campus police agency, the copy of the registration statement with the attached fingerprints [and updated photograph], **PALM PRINTS, AND UPDATED DIGITAL IMAGE** of the registrant shall be provided to the local law enforcement agency having primary jurisdiction for the campus.

(d) As soon as possible but not later than [5] **3** working days after the registration is complete, a supervising authority that is not a unit of the Department shall send the registration statement to the Department.

11-709.

(a) (1) (i) [Every 3 months within 5] **WITHIN 3** days after a **TIER III SEX OFFENDER OR A** sexually violent predator completes the registration requirements of § 11-707(a) of this subtitle, a local law enforcement unit shall send notice of the **TIER III SEX OFFENDER'S OR** sexually violent predator's quarterly registration to the Department.

(ii) Every 6 months within [5] **3** days after a [child sexual offender] **TIER I SEX OFFENDER OR A TIER II SEX OFFENDER** completes the registration requirements of § 11-707(a) of this subtitle, a local law enforcement unit shall send notice of the [child sexual offender's] **TIER I SEX OFFENDER'S OR A TIER II SEX OFFENDER'S** biannual registration to the Department.

(2) Every 6 months, a local law enforcement unit shall send a [child sexual] **TIER III SEX** offender's and sexually violent predator's updated [photograph] **DIGITAL IMAGE** to the Department within 6 days after the [photograph] **DIGITAL IMAGE** is submitted.

(b) (1) As soon as possible but not later than [5] **3** working days after receiving a registration statement of a [child sexual offender or] **SEX OFFENDER**, notice of a change of address of a [child sexual] **SEX** offender, **OR CHANGE IN THE A COUNTY IN WHICH A HOMELESS SEX OFFENDER HABITUALLY LIVES**, a local law enforcement unit shall send written notice of the registration statement [or], change of address, **OR CHANGE OF COUNTY** to the county superintendent, as defined in § 1-101 of the Education Article, and all nonpublic primary and secondary schools in the county within 1 mile of where the [child sexual] **SEX** offender is to reside **OR**

**HABITUALLY LIVE** or where a [child sexual] **SEX** offender who is not a resident of the State is a transient or will work or attend school.

(2) As soon as possible but not later than 10 working days after receiving notice from the local law enforcement unit under paragraph (1) of this subsection, the county superintendent shall send written notice of the registration statement to principals of the schools under the superintendent's supervision that the superintendent considers necessary to protect the students of a school from a [child sexual] **SEX** offender.

(c) A local law enforcement unit that receives a notice from a supervising authority under this subtitle shall send a copy of the notice to the police department, if any, of a municipal corporation if the registrant:

(1) is to reside **OR HABITUALLY LIVE** in the municipal corporation after release;

(2) escapes from a facility but resided **OR HABITUALLY LIVED** in the municipal corporation before being committed to the custody of a supervising authority; or

(3) is to change addresses to another place of residence within the municipal corporation.

(d) As soon as possible but not later than **[5] 3** working days after receiving notice from a local law enforcement unit under this section, a police department of a municipal corporation shall send a copy of the notice to the commander of ~~the~~ **EACH** local police precinct or district in which the [child sexual] **SEX** offender is to reside **OR HABITUALLY LIVE** or where a [child sexual] **SEX** offender who is not a resident of the State will work or attend school.

(e) As soon as possible but not later than **[5] 3** working days after receiving a notice from a supervising authority under this subtitle, a local law enforcement unit shall send a copy of the notice to the commander of the law enforcement unit in ~~the~~ **EACH** district or area in which the [child sexual] **SEX** offender is to reside **OR HABITUALLY LIVE** or where a [child sexual] **SEX** offender who is not a resident of the State will work or attend school.

(f) A local law enforcement unit may notify the following entities that are located within the community in which a [child sexual] **SEX** offender is to reside **OR HABITUALLY LIVE** or where a [child sexual] **SEX** offender who is not a resident of the State will work or attend school of the filing of a registration statement or notice of change of address **OR COUNTY WHERE THE REGISTRANT WILL HABITUALLY LIVE** by the [child sexual] **SEX** offender:

(1) family day care homes or child care centers registered [or licensed], **LICENSED, OR ISSUED A LETTER OF COMPLIANCE** under Title 5, Subtitle 5 of the Family Law Article;

(2) child recreation facilities;

(3) faith institutions; and

(4) other organizations that serve children and other individuals vulnerable to [child sexual] **SEX** offenders **WHO VICTIMIZE CHILDREN**.

**(G) AS SOON AS POSSIBLE, BUT NOT LATER THAN 3 WORKING DAYS AFTER RECEIPT OF A REGISTRANT'S CHANGE OF RESIDENCE OR CHANGE IN ~~THE~~ THE COUNTY IN WHICH THE REGISTRANT HABITUALLY LIVES, THE LOCAL LAW ENFORCEMENT UNIT SHALL NOTIFY THE DEPARTMENT OF THE CHANGE.**

**(H) AS SOON AS POSSIBLE, BUT NOT LATER THAN 3 WORKING DAYS AFTER RECEIPT OF NOTICE UNDER § 11-705(E) OF THIS SUBTITLE, THE LOCAL LAW ENFORCEMENT UNIT SHALL GIVE NOTICE TO THE DEPARTMENT OF THE REGISTRANT'S INTENT TO CHANGE RESIDENCE, ~~THE~~ A COUNTY IN WHICH THE REGISTRANT HABITUALLY LIVES, VEHICLE OR LICENSE PLATE INFORMATION, ELECTRONIC MAIL OR INTERNET IDENTIFIERS, OR ~~HOME OR CELL~~ LANDLINE OR CELLULAR PHONE NUMBERS.**

**(I) AS SOON AS POSSIBLE, BUT NOT LATER THAN 3 WORKING DAYS AFTER RECEIPT OF NOTICE UNDER § 11-705(G) OF THIS SUBTITLE, THE LOCAL LAW ENFORCEMENT UNIT SHALL GIVE NOTICE TO THE DEPARTMENT OF THE CHANGE OF NAME.**

**(J) AS SOON AS POSSIBLE, BUT NOT LATER THAN 3 WORKING DAYS AFTER RECEIPT OF NOTICE UNDER § 11-705(H) OF THIS SUBTITLE, THE LOCAL LAW ENFORCEMENT UNIT SHALL GIVE NOTICE TO THE DEPARTMENT OF THE REGISTRANT'S INTENT TO LEAVE THE UNITED STATES.**

**(K) AS SOON AS POSSIBLE, BUT NOT LATER THAN 3 WORKING DAYS AFTER RECEIPT OF NOTICE UNDER § 11-705(I) OF THIS SUBTITLE, THE LOCAL LAW ENFORCEMENT UNIT SHALL GIVE NOTICE TO THE DEPARTMENT OF THE REGISTRANT'S INTENT TO OBTAIN TEMPORARY LODGING OR TO BE ABSENT FROM THE REGISTRANT'S PERMANENT RESIDENCE OR ~~LOCATION~~ LOCATIONS WHERE THE REGISTRANT HABITUALLY LIVES.**

11-710.

(a) As soon as possible but not later than **[5] 3** working days after receipt of notice of a registrant's change of address, ~~THE A COUNTY IN WHICH THE A REGISTRANT HABITUALLY LIVES, VEHICLE OR LICENSE PLATE INFORMATION, ELECTRONIC MAIL OR INTERNET IDENTIFIERS, OR HOME OR CELL~~ LANDLINE OR CELLULAR PHONE NUMBERS, the Department shall give notice of the change:

(1) if the registration is premised on a conviction under federal, military, or Native American tribal law, to the designated federal unit; [and]

(2) **TO ANY OTHER JURISDICTION OR FOREIGN COUNTRY WHERE THE SEX OFFENDER IS REQUIRED TO REGISTER; AND**

**(3)** (i) to ~~the~~ EACH local law enforcement unit in whose county the new residence is located **OR WHERE THE REGISTRANT INTENDS TO HABITUALLY LIVE**; or

(ii) if the new residence **OR A LOCATION WHERE THE REGISTRANT WILL HABITUALLY LIVE** is in a different state that has a registration requirement, to the designated law enforcement unit **OR SEX OFFENDER REGISTRATION UNIT** in that state.

(b) (1) (i) As soon as possible but not later than **[5] 3** working days after receipt of notice under **[§ 11-705(e)] § 11-705(F)** of this subtitle, the Department shall give notice to the campus police agency of the institution of higher education where the registrant is commencing or terminating enrollment or employment.

(ii) If an institution of higher education does not have a campus police agency, the notice required under this section shall be provided to the local law enforcement [agency] **UNIT** having primary [jurisdiction] **LAW ENFORCEMENT AUTHORITY** for the campus.

(2) Institutions of higher education currently required to disclose campus security policy and campus crime statistics data shall advise the campus community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained.

(3) An institution of higher education is not prohibited from disclosing information provided to the institution under this subtitle concerning registered sex offenders.

(c) As soon as possible but not later than **[5] 3** working days after receipt of notice under **[§ 11-705(f)] § 11-705(G)** of this subtitle, the Department shall give notice of the change of name:

(1) if the registration is due to a conviction under federal, military, or Native American tribal law, to the designated federal unit;

(2) to ~~the~~ **EACH** local law enforcement unit in whose county the registrant resides **OR HABITUALLY LIVES** or where a registrant who is not a resident of the State will work or attend school; and

(3) if the registrant is enrolled in or employed at an institution of higher education in the State, to:

(i) the campus police agency of the institution of higher education; or

(ii) if the institution does not have a campus police agency, the local law enforcement **[agency] UNIT** having primary jurisdiction for the campus.

11-712.

(a) If a registrant escapes from a facility, the supervising authority of the facility by the most reasonable and expedient means available shall immediately notify:

(1) ~~the~~ **EACH** local law enforcement unit **[in the jurisdiction]** where the registrant resided **OR HABITUALLY LIVED** before the registrant was committed to the custody of the supervising authority; and

(2) each person who is entitled to receive notice under § 11-715(a) of this subtitle.

(b) If the registrant is recaptured, the supervising authority shall send notice, as soon as possible but not later than 2 working days after the supervising authority learns of the recapture, to:

(1) ~~the~~ **EACH** local law enforcement unit **[in the jurisdiction]** where the registrant resided **OR HABITUALLY LIVED** before the registrant was committed to the custody of the supervising authority; and

(2) each person who is entitled to receive notice under § 11-715(a) of this subtitle.

11-713.

The Department:

(1) as soon as possible but not later than [5] 3 working days after receiving the conviction data and fingerprints of a registrant, shall transmit the data and fingerprints to the Federal Bureau of Investigation if the Bureau does not have that information;

(2) shall keep a central registry of registrants AND A LISTING OF JUVENILE SEX OFFENDERS;

(3) shall reimburse local law enforcement units for the cost of processing the registration statements of registrants, including the cost of taking fingerprints [and photographs], **PALM PRINTS, AND DIGITAL IMAGES**; [and]

(4) shall reimburse local law enforcement units for the reasonable costs of implementing community notification procedures;

**(5) SHALL BE RESPONSIBLE FOR RECEIVING AND DISTRIBUTING ALL INTRASTATE, FEDERAL, AND FOREIGN GOVERNMENT COMMUNICATIONS RELATING TO THE REGISTRATION OF SEX OFFENDERS; AND**

**(6) SHALL NOTIFY ALL JURISDICTIONS WHERE THE REGISTRANT WILL RESIDE, CARRY ON EMPLOYMENT, OR ATTEND SCHOOL WITHIN 3 DAYS OF CHANGES IN THE REGISTRANT'S REGISTRATION.**

11-714.

A registration statement given to a person under this subtitle shall include a copy of the completed registration form and a copy of the registrant's [photograph] **DIGITAL IMAGE**, but need not include the fingerprints **OR PALM PRINTS** of the registrant.

11-717.

(a) (1) The Department shall make available to the public registration statements or information about registration statements.

(2) Information about registration statements shall include, in plain language that can be understood without special knowledge of the criminal laws of the State, a FACTUAL description of the crime of the offender that is the basis for the registration, excluding details that would identify the victim.

**(3) REGISTRATION INFORMATION PROVIDED TO THE PUBLIC MAY NOT INCLUDE A SEX OFFENDER'S SOCIAL SECURITY NUMBER, DRIVER'S LICENSE NUMBER, MEDICAL OR THERAPEUTIC TREATMENT, TRAVEL AND IMMIGRATION DOCUMENT NUMBERS, AND ARRESTS NOT RESULTING IN CONVICTION.**

(b) The Department ~~may~~ **SHALL** post on the Internet:

**(1)** a current listing of each registrant's name, ~~crime~~, and other identifying information; **AND**

**(2)** IN PLAIN LANGUAGE THAT CAN BE UNDERSTOOD WITHOUT SPECIAL KNOWLEDGE OF THE CRIMINAL LAWS OF THE STATE, A FACTUAL DESCRIPTION OF THE CRIME OF THE OFFENDER THAT IS THE BASIS FOR THE REGISTRATION, EXCLUDING DETAILS THAT WOULD IDENTIFY THE VICTIM.

(c) The Department, through an Internet posting of current registrants, shall:

**(1)** allow the public to electronically transmit information the public may have about a registrant to the Department, a parole agent of a registrant, and ~~the~~ **EACH** local law enforcement unit where a registrant resides **OR HABITUALLY LIVES** or where a registrant who is not a resident of the State will work or attend school; **AND**

**(2)** **PROVIDE INFORMATION REGARDING THE OUT-OF-STATE REGISTRATION STATUS FOR EACH REGISTRANT WHO IS ALSO REGISTERED IN ANOTHER STATE AS AVAILABLE THROUGH A NATIONAL SEX OFFENDER PUBLIC REGISTRY WEBSITE ~~OR THROUGH THE NATIONAL CRIME PREVENTION AND PRIVACY COMPACT UNDER TITLE 10, SUBTITLE 2, PART V OF THIS ARTICLE.~~**

(d) The Department shall allow members of the public who live in ~~the~~ **A** county in which ~~the~~ **A** registrant is to reside **OR HABITUALLY LIVES LIVE** or where the registrant, if not a resident of the State, will work or attend school, by request, to receive electronic mail notification of the release from incarceration of ~~a~~ **THE** registered offender and the registration information of the offender.

(e) The Department shall establish regulations to carry out this section.

11-718.

(a) (1) If the Department or a local law enforcement unit finds that, to protect the public from a specific registrant, it is necessary to give notice of a registration statement [or], a change of address of the registrant, **OR A CHANGE IN THE A COUNTY IN WHICH THE REGISTRANT HABITUALLY RESIDES LIVES** to a particular person not otherwise identified under § 11-709 of this subtitle, then the Department or a local law enforcement unit shall give notice of the registration statement to that person.



(2) This notice is in addition to the notice required under § 11-709(b)(1) of this subtitle.

11-721.

(a) A registrant may not knowingly fail to register, knowingly fail to provide the [written] notice required under § [11-705(d), (e), or (f)] **11-705** of this subtitle, **KNOWINGLY FAIL TO PROVIDE ANY INFORMATION REQUIRED TO BE INCLUDED IN A REGISTRATION STATEMENT DESCRIBED IN § 11-706 OF THIS SUBTITLE,** or knowingly provide false information of a material fact as required by this subtitle.

(b) A person who violates this section:

(1) for a first offense, is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 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 5 years or a fine not exceeding \$10,000 or both.

(c) A person who violates this section is subject to § 5-106(b) of the Courts Article.

~~SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

~~**Article – Criminal Procedure**~~

~~11-701.~~

~~**(i) (k)** (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; AND~~

~~(VII) RELEASE FROM THE CUSTODY OF THE SECRETARY OF HEALTH AND MENTAL HYGIENE.~~

~~(3) "Release" does not include:~~

~~(i) an escape; or~~

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

~~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 shall include a term of extended sexual offender parole supervision.~~

~~(b) The term of extended sexual offender parole supervision for a defendant sentenced on or after August 1, 2006, shall:~~

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

~~(2) commence on the expiration of the later of any term of imprisonment, probation, parole, [or] mandatory supervision, OR COMMITMENT TO A FACILITY OWNED AND OPERATED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE IN ACCORDANCE WITH § 10-641 OF THE HEALTH - GENERAL ARTICLE.~~

~~Article - Health - General~~

~~1-101.~~

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

~~(e) "Department" means the Department of Health and Mental Hygiene.~~

~~(k) "Secretary" means the Secretary of Health and Mental Hygiene.~~

~~10-101.~~

~~(e) (1) Except as otherwise provided in this title, "facility" means any public or private clinic, hospital, or other institution that provides or purports to provide treatment or other services for individuals who have mental disorders.~~

~~(2) "Facility" does not include a Veterans' Administration hospital.~~

~~(h) "State facility" means a facility that is owned or operated by the Department.~~

~~10-634. RESERVED.~~

~~10-635. RESERVED.~~

~~PART VI. SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT.~~

~~10-636.~~

~~(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(B) "COMMISSIONER" MEANS THE COMMISSIONER OF CORRECTION OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.~~

~~(C) "COMMITTED PERSON" MEANS A PERSON WHO HAS BEEN FOUND TO BE A SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT UNDER § 10-638 OF THIS SUBTITLE AND HAS BEEN COMMITTED TO A STATE FACILITY.~~

~~(D) "MENTAL ABNORMALITY" MEANS A CONGENITAL OR ACQUIRED CONDITION THAT AFFECTS EMOTIONAL OR VOLITIONAL CAPACITY TO PREDISPOSE A PERSON TO COMMIT A SEXUALLY VIOLENT OFFENSE IN A DEGREE THAT MAKES THE PERSON A MENACE TO THE HEALTH AND SAFETY OF OTHERS.~~

~~(E) "PREDATORY ACT" MEANS AN ACT DIRECTED TOWARD:~~

~~(1) A STRANGER; OR~~

~~(2) AN INDIVIDUAL WITH WHOM A RELATIONSHIP HAS BEEN ESTABLISHED OR PROMOTED FOR THE PRIMARY PURPOSE OF VICTIMIZATION.~~

~~(F) "SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT" MEANS AN INDIVIDUAL WHO HAS COMMITTED A SEXUALLY VIOLENT OFFENSE AND WHO IS PLACED IN THE CUSTODY OF THE SECRETARY IN ACCORDANCE WITH § 10-643 OF THIS SUBTITLE.~~

~~(G) "SEXUALLY VIOLENT OFFENSE" HAS THE MEANING STATED IN § 11-701(L) OF THE CRIMINAL PROCEDURE ARTICLE.~~

~~10-637.~~

~~(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE COMMISSIONER SHALL GIVE WRITTEN NOTICE TO THE ATTORNEY GENERAL AT LEAST 90 DAYS BEFORE THE ANTICIPATED RELEASE FROM A CORRECTIONAL FACILITY OF A PERSON WHO HAS BEEN CONVICTED OF A SEXUALLY VIOLENT OFFENSE.~~

~~(B) IF A PERSON IS RETURNED TO A CORRECTIONAL FACILITY FOR NOT MORE THAN 90 DAYS AS A RESULT OF REVOCATION OF POSTRELEASE SUPERVISION, THE COMMISSIONER SHALL GIVE WRITTEN NOTICE AS SOON AS PRACTICABLE.~~

~~10-638.~~

~~A PERSON IS A SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT IF THE PERSON:~~

~~(1) HAS BEEN CONVICTED OF A SEXUALLY VIOLENT OFFENSE;~~  
~~AND~~

~~(2) SUFFERS FROM A MENTAL ABNORMALITY OR PERSONALITY DISORDER, AS DETERMINED UNDER § 10-639 OF THIS SUBTITLE, THAT MAKES THE PERSON LIKELY TO ENGAGE IN A PREDATORY ACT INVOLVING A SEXUALLY VIOLENT OFFENSE.~~

~~10-639.~~

~~(A) THE ATTORNEY GENERAL SHALL DETERMINE WHETHER A PERSON ABOUT WHOM THE COMMISSIONER GIVES NOTICE UNDER § 10-637 OF THIS SUBTITLE MEETS THE CRITERIA OF A SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT.~~

~~(B) TO MAKE THIS DETERMINATION, THE ATTORNEY GENERAL SHALL RECEIVE RECOMMENDATIONS FROM:~~

~~(1) A REVIEW COMMITTEE OF PROSECUTORS, TO BE APPOINTED BY THE ATTORNEY GENERAL; AND~~

~~(2) A MULTIDISCIPLINARY TEAM, TO BE APPOINTED BY THE COMMISSIONER FROM REPRESENTATIVES OF THE DEPARTMENT OF HEALTH~~

~~AND MENTAL HYGIENE AND THE DEPARTMENT OF PUBLIC SAFETY AND  
CORRECTIONAL SERVICES.~~

~~10-640.~~

~~THE COMMISSIONER, EMPLOYEES AND OFFICIALS OF THE DIVISION OF  
CORRECTION, MEMBERS AND STAFF OF THE MULTIDISCIPLINARY TEAM AND  
THE REVIEW COMMITTEE OF PROSECUTORS, AND PERSONS WHO CONTRACT OR  
VOLUNTEER FOR SERVICES ARE NOT CIVILLY LIABLE FOR ACTS PERFORMED IN  
GOOD FAITH IN CARRYING OUT THIS PART.~~

~~10-641.~~

~~(A) WITHIN 75 DAYS AFTER THE ATTORNEY GENERAL RECEIVES  
WRITTEN NOTICE FROM THE COMMISSIONER UNDER § 10-637 OF THIS  
SUBTITLE, THE ATTORNEY GENERAL MAY PETITION THE CIRCUIT COURT TO  
FIND THAT PROBABLE CAUSE EXISTS TO BELIEVE THAT THE PERSON NAMED IN  
THE PETITION IS A SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT.~~

~~(B) IF THE COURT FINDS PROBABLE CAUSE EXISTS, THE COURT SHALL:~~

~~(1) DIRECT THAT THE PERSON BE TAKEN INTO THE CUSTODY OF  
THE SECRETARY; AND~~

~~(2) CONDUCT A TRIAL WITHIN 60 DAYS AFTER THE DATE OF THE  
PROBABLE CAUSE HEARING TO DETERMINE THE STATUS OF THE PERSON AS A  
SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT.~~

~~(C) THE PERSON NAMED IN THE PETITION SHALL BE ENTITLED TO BE  
REPRESENTED BY COUNSEL, TO PRESENT EVIDENCE, TO CROSS EXAMINE  
WITNESSES, AND TO VIEW AND COPY ALL PETITIONS AND REPORTS IN THE  
COURT FILE.~~

~~10-642.~~

~~(A) THE RULES OF EVIDENCE SHALL APPLY TO A TRIAL HELD UNDER  
THIS SECTION.~~

~~(B) IF THE PERSON NAMED IN THE PETITION IS INDIGENT, THE COURT  
SHALL APPOINT COUNSEL.~~

~~(C) (1) A PERSON NAMED IN THE PETITION MAY RETAIN AN EXPERT  
TO PERFORM AN EXAMINATION.~~

~~(2) IF A PERSON NAMED IN THE PETITION WISHES TO BE EXAMINED BY AN EXPERT OR OTHER INDIVIDUAL CHOSEN BY THE PERSON, THE EXAMINER SHALL BE ALLOWED TO HAVE REASONABLE ACCESS TO THE PERSON AS WELL AS TO RELEVANT MEDICAL AND PSYCHOLOGICAL RECORDS AND REPORTS.~~

~~(3) THE COURT SHALL ASSIST AN INDIGENT PERSON TO OBTAIN AN EXPERT OR OTHER INDIVIDUAL TO PERFORM AN EXAMINATION OR PARTICIPATE IN THE TRIAL ON BEHALF OF THE PERSON IF THE COURT DETERMINES THE SERVICES ARE NECESSARY AND THE REQUESTED COMPENSATION FOR THE SERVICES IS REASONABLE.~~

~~(D) THE PERSON NAMED IN THE PETITION, THE ATTORNEY GENERAL, AND THE JUDGE ARE ENTITLED TO DEMAND THAT THE TRIAL BE BEFORE A JURY.~~

~~(E) AT A TRIAL UNDER THIS SECTION, THE STATE HAS THE BURDEN OF PROVING BEYOND A REASONABLE DOUBT THAT THE PERSON NAMED IN THE PETITION IS A SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT.~~

~~10-643.~~

~~IF THE COURT OR JURY DETERMINES THAT A PERSON IS A SEXUALLY VIOLENT OFFENDER IN NEED OF COMMITMENT, THE PERSON SHALL BE PLACED IN THE CUSTODY OF THE SECRETARY FOR CONTROL, CARE, AND TREATMENT AT A STATE FACILITY UNTIL THE MENTAL ABNORMALITY OR PERSONALITY DISORDER OF THE PERSON HAS SO CHANGED THAT THE PERSON IS NOT LIKELY TO ENGAGE IN A PREDATORY ACT INVOLVING A SEXUALLY VIOLENT OFFENSE IF RELEASED.~~

~~10-644.~~

~~(A) (1) A COMMITTED PERSON IS SUBJECT TO AN ANNUAL MENTAL EXAMINATION IN A STATE FACILITY.~~

~~(2) AN OFFICIAL DESIGNATED BY THE PERSON IN CHARGE OF THE STATE FACILITY SHALL COMPLETE A REPORT OF THE MENTAL EXAMINATION AND SHALL FILE A COPY OF THE REPORT WITH THE COURT THAT ORDERED THE COMMITTED PERSON TO A STATE FACILITY UNDER THIS PART.~~

~~(B) THE COURT SHALL CONDUCT AN ANNUAL STATUS REVIEW HEARING FOR EACH COMMITTED PERSON.~~

~~(C) A COMMITTED PERSON SHALL BE ENTITLED TO PETITION THE COURT FOR DISCHARGE AT THE ANNUAL STATUS REVIEW HEARING OF THE COMMITTED PERSON.~~

~~(D) (1) THE SECRETARY SHALL PROVIDE THE COMMITTED PERSON WITH AN ANNUAL WRITTEN NOTICE OF THE RIGHT OF THE COMMITTED PERSON TO PETITION THE COURT FOR RELEASE.~~

~~(2) THE SECRETARY SHALL FORWARD THE NOTICE TO THE COURT WITH THE ANNUAL REPORT.~~

~~(3) THE COMMITTED PERSON IS ENTITLED TO AN ATTORNEY TO REPRESENT THE COMMITTED PERSON AT THE ANNUAL STATUS REVIEW HEARING, BUT THE COMMITTED PERSON IS NOT ENTITLED TO BE PRESENT AT THE HEARING.~~

~~10-645.~~

~~(A) (1) THE COURT SHALL SET A RELEASE HEARING IF THE COURT AT THE ANNUAL STATUS REVIEW HEARING DETERMINES THAT PROBABLE CAUSE EXISTS TO BELIEVE THAT THE MENTAL ABNORMALITY OR PERSONALITY DISORDER OF THE COMMITTED PERSON HAS CHANGED SO THAT THE COMMITTED PERSON IS NOT LIKELY TO ENGAGE IN A PREDATORY ACT INVOLVING A SEXUALLY VIOLENT OFFENSE IF RELEASED.~~

~~(2) AT THE RELEASE HEARING, THE COMMITTED PERSON IS ENTITLED TO BE PRESENT AND TO USE ALL OF THE PROTECTIONS, INCLUDING THE USE OF EXPERT WITNESSES, THAT WERE AVAILABLE AT THE INITIAL HEARING UNDER § 10-642 OF THIS SUBTITLE.~~

~~(3) THE ATTORNEY GENERAL:~~

~~(i) SHALL REPRESENT THE STATE AT THE RELEASE HEARING;~~

~~(ii) MAY REQUEST A JURY TRIAL; AND~~

~~(iii) MAY REQUEST THAT THE COMMITTED PERSON BE EVALUATED BY EXPERTS CHOSEN BY THE STATE.~~

~~(4) THE STATE HAS THE BURDEN OF PROVING BEYOND A REASONABLE DOUBT THAT THE MENTAL ABNORMALITY OR PERSONALITY DISORDER OF THE COMMITTED PERSON REMAINS SO SEVERE AS TO MAKE THE~~

~~COMMITTED PERSON LIKELY TO ENGAGE IN A PREDATORY ACT INVOLVING A SEXUALLY VIOLENT OFFENSE IF RELEASED.~~

~~(B) THE COURT SHALL RELEASE A COMMITTED PERSON FROM CUSTODY IF THE COURT FINDS AT A RELEASE HEARING THAT THE STATE HAS NOT PROVEN BEYOND A REASONABLE DOUBT THAT THE COMMITTED PERSON IS NOT SAFE TO BE AT LARGE OR IS LIKELY TO ENGAGE IN A PREDATORY ACT INVOLVING A SEXUALLY VIOLENT OFFENSE IF RELEASED.~~

~~10-646.~~

~~THIS PART DOES NOT AFFECT THE OPERATION OF TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE.~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any prosecution commenced before the effective date of this Act.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That on or before December 31, 2010, the Department of Public Safety and Correctional Services shall adopt regulations to implement the listing of juvenile sex offenders in accordance with this Act, including a definition of "law enforcement personnel" who are authorized to access the listing.~~

SECTION ~~2~~ ~~5~~ 3. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

~~SECTION 6. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect October 1, 2011, contingent on the Governor providing full funding for the civil commitment provisions of this Act beginning with the 2012 fiscal year and, if funding is not provided, Section 3 of this Act shall be null and void without the necessity of further action by the General Assembly.~~

SECTION ~~3~~ ~~7~~ 4. AND BE IT FURTHER ENACTED, That, ~~except as provided in Section 6 of this Act,~~ this Act shall take effect October 1, 2010.

Approved by the Governor, May 4, 2010.