DATE: February 14, 2006

TO: Board of Education

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: LEGISLATION UPDATE

ORIGINATOR: Dr. Donald Peccia, Assistant Superintendent of Human Resources and Governmental Relations

RECOMMENDATION

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That the Board of Education consider taking positions on Key School Legislation.

Attachment I – Key School Legislation Summary
Attachment II – Senate and House Bills
SCHOOL DISTRICT PRIORITIES

• Full Funding of Bridge to Excellence (Thornton)

STATUS:
State aid to Baltimore County is estimated at $435.8 million (Includes student transportation and other state aid program not linked to adequacy)

SOURCE:
Senate Budget and Taxation Committee – Adequacy Progress Report

BILL:
Being considered related to Bridge to Excellence is SB4 / HB242

SB4/HB242

SPONSOR: Senator Currie, Delegates Hixson, Frush, and Gaines

SYNOPSIS:
Requiring the state to provide grants to certain county boards of education to reflect regional differences in the cost of education that are due to factors outside the control of local jurisdictions.

POSITION:
Support: Passage of this bill could result in a three million dollar increase in Thornton funds

• Capital Budget

STATUS:
To date a total of $18.058 million state funds for construction has been allotted to BCPS.

A total of $210 million of the $280 million in available State funds have been allocated. An additional $70 million in available funds have not yet been allocated

SOURCE:
IAC Reports
NOTES:
The Superintendent has appealed to the Board of Public Works for additional funds. There have been two bills filed requiring the Governor to include up to $400 million for funding public school construction but have tied it to video lottery terminals.

POSITION:
Continue to stress to legislators the need to fund the full $400 million needed for public school construction

**Pension Reform**

STATUS:
To date there has been much discussion on reforming the pension system for teachers and state employees. The cost of full retroactivity, increasing the multiplier from 1.4% to 2% and phasing out the current methodology of funding the retirement system (corridor funding) for teachers is $314.5 million per year. Other state employees would add an additional $166.2 million to the cost. Some issues that need to be address are as follows:

1. Legislators intend to improve both teacher and state employee systems equally
2. State employees want no more than 4% employee contribution, up from 2%. Teachers are willing to pay more.
3. As per federal ruling, state must record cost of retiree health care for state employees as a liability (Estimated cost at $20 billion).
4. Concerns over Triple A bond rating.

NOTES:
No bill has been proposed to date. A bill is expected to be filed before the bill deadline.

POSITION:
Support and encourage teacher pension reform.

**TALKING POINTS INCLUDE:**

1. Pension is a retention issue. We need to not only recruit, but retain our experienced teachers.
2. Teachers are willing to increase their contribution to get the improvements.
3. Maryland is the third wealthiest state in the nation, but the retirement benefits are the lowest in the country.

**OTHER BILLS OF INTEREST:**

- **SB1/HB4**

SPONSOR: Senators Miller, Stone, Klausmeier, etc. House: Speaker and others
SYNOPSIS:
Authorizing the Maryland Parole Commission to administer extended sexual offender parole supervision; requiring a local law enforcement unit to provide a notice to a county Superintendent of a change of address of a sexual offender within a specified time period; requiring a local law enforcement unit to provide a notice to a specified police department of a change of address of a sexual offender within a specified period.

POSITION:
Support
A BILL ENTITLED

AN ACT concerning

Education - Geographic Cost of Education Index - Funding

FOR the purpose of requiring the State to provide certain grants to certain county boards of education to reflect regional differences in the cost of education that are due to factors outside the control of local jurisdictions; providing for the manner of calculation and distribution of certain grants in certain fiscal years; and generally relating to the funding of a geographic cost of education index in the Bridge to Excellence in Public Schools Act.

BY repealing and reenacting, with amendments,

Article - Education
Section 5-202(f)
Annotated Code of Maryland (2004 Replacement Volume and 2005 Supplement)

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

Article - Education

5-202. (f) (1) In this subsection, "GCEI adjustment" means the foundation program for each county multiplied by:

(i) 0.000 in Allegany;
(ii) 0.018 in Anne Arundel;
(iii) 0.042 in Baltimore City;
(iv) 0.008 in Baltimore;
(v) 0.021 in Calvert;
(vi) 0.000 in Caroline;
(vii) 0.014 in Carroll;
(viii) 0.000 in Cecil;
(ix) 0.020 in Charles;
(x) 0.000 in Dorchester;
(xi) 0.024 in Frederick;
(xii) 0.000 in Garrett;
(xiii) 0.000 in Harford;
(xiv) 0.015 in Howard;
(xv) 0.010 in Kent;
(xvi) 0.034 in Montgomery;
(xvii) 0.048 in Prince George's;
(xviii) 0.011 in Queen Anne's;
(xix) 0.002 in St. Mary's;
(xx) 0.000 in Somerset;
(xxi) 0.000 in Talbot;
(xxii) 0.000 in Washington;
(xxiii) 0.000 in Wicomico; and
(xxiv) 0.000 in Worcester.

(2) [To the extent funds are provided in the State budget for the grants under this subsection,] EACH YEAR, in addition to the State share of the foundation program, each county board WITH A GCEI ADJUSTMENT GREATER THAN 0.000 [may] SHALL receive a grant to reflect regional differences in the cost of education that are due to factors outside of the control of the local jurisdiction.

(3) [Subject to paragraph (4) of this subsection, the] THE amount of the grant to each county board under this subsection shall equal the GCEI adjustment for the county board multiplied times:

(i) 0.50 in fiscal year [2006] 2008;
(ii) 0.62 in fiscal year [2007] 2009;
(iii) 0.74 in fiscal year [2008] 2010;

(iv) 0.86 in fiscal year [2009] 2011; and

(v) 1.00 in fiscal year [2010] 2012 and each fiscal year thereafter.

For any fiscal year, if sufficient funds are not provided in the State budget to fully fund the grants provided under this subsection, the grant to each county board under this subsection shall equal the amount determined under paragraph (3) of this subsection multiplied by a fraction:

(i) The numerator of which is the amount provided in the State budget to fund the grants; and

(ii) The denominator of which is the sum of the amounts calculated under paragraph (3) of this subsection for all the county boards.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2006.
By: Delegates Hixson, Frush, Gaines, Healey, Howard, Hubbard, Marriott, Menes, Parker, Patterson, Ramirez, and Ross

Introduced and read first time: January 23, 2006
Assigned to: Ways and Means

A BILL ENTITLED

AN ACT concerning

Education - Geographic Cost of Education Index - Funding

FOR the purpose of requiring the State to provide certain grants to certain county boards of education to reflect regional differences in the cost of education that are due to factors outside the control of local jurisdictions; providing for the manner of calculation and distribution of certain grants in certain fiscal years; and generally relating to the funding of a geographic cost of education index in the Bridge to Excellence in Public Schools Act.

BY repealing and reenacting, with amendments, Article - Education Section 5-202(f) Annotated Code of Maryland (2004 Replacement Volume and 2005 Supplement)

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

Article - Education

5-202.

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(i) 0.000 in Allegany;

(ii) 0.018 in Anne Arundel;

(iii) 0.042 in Baltimore City;

(iv) 0.008 in Baltimore;

(v) 0.021 in Calvert;
(vi) 0.000 in Caroline;
(vii) 0.014 in Carroll;
(viii) 0.000 in Cecil;
(ix) 0.020 in Charles;
(x) 0.000 in Dorchester;
(xi) 0.024 in Frederick;
(xii) 0.000 in Garrett;
(xiii) 0.000 in Harford;
(xiv) 0.015 in Howard;
(xv) 0.010 in Kent;
(xvi) 0.034 in Montgomery;
(xvii) 0.048 in Prince George's;
(xviii) 0.011 in Queen Anne's;
(xix) 0.002 in St. Mary's;
(xx) 0.000 in Somerset;
(xxi) 0.000 in Talbot;
(xxii) 0.000 in Washington;
(xxiii) 0.000 in Wicomico; and
(xxiv) 0.000 in Worcester.

(2) [To the extent funds are provided in the State budget for the grants under this subsection,] EACH YEAR, in addition to the State share of the foundation program, each county board [may] SHALL receive a grant to reflect regional differences in the cost of education that are due to factors outside of the control of the local jurisdiction.

(3) [Subject to paragraph (4) of this subsection, the] THE amount of the grant to each county board under this subsection shall equal the GCEI adjustment for the county board multiplied times:

(i) 0.50 in fiscal year [2006] 2007;
(ii) 0.62 in fiscal year [2007] 2008;
UNOFFICIAL COPY OF HOUSE BILL 242

(iii) 0.74 in fiscal year [2008] 2009;

(iv) 0.86 in fiscal year [2009] 2010; and

(v) 1.00 in fiscal year [2010] 2011 and each fiscal year thereafter.

[(4) For any fiscal year, if sufficient funds are not provided in the State
budget to fully fund the grants provided under this subsection, the grant to each
county board under this subsection shall equal the amount determined under
paragraph (3) of this subsection multiplied by a fraction:

(i) The numerator of which is the amount provided in the State
budget to fund the grants; and

(ii) The denominator of which is the sum of the amounts calculated
under paragraph (3) of this subsection for all the county boards.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
July 1, 2006.
A BILL ENTITLED

AN ACT concerning

Registered Sexual Offenders - Supervision, Notifications, and Penalties

FOR the purpose of authorizing the Maryland Parole Commission to administer certain extended sexual offender parole supervision; requiring a local law enforcement unit to provide a certain notice to a certain county superintendent of a change of address of a certain sexual offender within a certain time period; requiring a local law enforcement unit to provide a certain notice to a certain police department of a certain change of address of a certain sexual offender within a certain time period; requiring a certain police department to provide a certain notice to a certain commander of a local police precinct or district within a certain time period; requiring a local law enforcement unit to send a copy of a certain notice to a certain commander of a local police precinct or district within a certain time period; requiring a local law enforcement unit to send a certain notice to certain organizations that serve children and other individuals vulnerable to certain offenders within a certain time period; requiring a local law enforcement unit to hold a certain meeting open to all residents living in a certain geographic area within a certain time period; requiring a State parole agent, a sexual offender treatment provider, and a sexual offender victim advocate to attend a certain meeting and provide certain information; requiring the Department of Public Safety and Correctional Services to adopt certain regulations; authorizing a local law enforcement unit to notify certain members of the public outside a certain geographical area of a certain registration statement and notice of change of address of a certain offender; requiring certain notification procedures to be used, as appropriate; requiring the Department to reimburse a local law enforcement unit for the costs of certain community notification; requiring certain registration statements to include a certain description of the crime that is the basis for the registration of a certain offender; requiring the Department, through a certain Internet posting of current registrants, to allow the public to electronically transmit certain information to the Department, to certain parole agents, and to local law enforcement; requiring the Department to make available to certain members of the public electronic mail notification of the release and registration information of certain offenders; authorizing the Department or a local law enforcement unit
to provide certain information to a certain person under certain circumstances; altering the classification of the crime from a misdemeanor to a felony and increasing the maximum penalties for a person convicted of knowingly failing to register as an offender for certain crimes, knowingly failing to provide a certain written notice to the Department, and knowingly providing false information of a material fact on a certain registration statement; requiring a sentence for a certain category of sexual offender to include a term for extended sexual offender parole supervision; requiring that a term of extended sexual offender parole supervision have a certain minimum and a possible certain maximum period and commence at the expiration of a certain term; requiring that the Commission negotiate, enter into, and sign certain extended sexual offender parole supervision agreements that set out certain conditions; requiring the Commission to hear and adjudicate certain cases; authorizing the Commission to impose certain sanctions on certain registrants; providing that imprisonment for a certain violation is not subject to diminution credits; authorizing certain specific conditions of extended sexual offender parole supervision agreements; requiring the Commission to hear and adjudicate a certain petition of discharge from extended sexual offender parole supervision; authorizing a certain registrant to petition for discharge after serving a certain period of extended supervision; authorizing a registrant whose petition for discharge is denied to petition for discharge again after a certain period; requiring a certain petition for discharge to include a certain risk assessment of a registrant and a recommendation from a certain sexual offender management team; prohibiting the Commission from discharging a registrant from certain supervision unless the Commission determines that the registrant no longer poses an unacceptable risk to community safety; providing that the Commission has certain powers for the purpose of carrying out certain duties; requiring the Commission to appoint a certain administrator; requiring that a sexual offender parole supervision be conducted by a sexual offender management team under the supervision of the Division of Parole and Probation; requiring a sexual offender management team to be comprised of a certain parole agent, sexual offender treatment provider, and polygrapher; authorizing a sexual offender management team to include certain other persons; requiring a sexual offender management team to submit certain progress reports on certain registrants at certain intervals; requiring a sexual offender management team to provide a copy of a certain progress report to a certain local law enforcement unit; establishing a Sexual Offender Advisory Board to assist the Commission and the Division; providing for the composition and method of selection of the Board; establishing the terms of the members of the Board; requiring the Board to perform certain duties; requiring the Commission, with the advice of the Board, to adopt certain regulations; defining certain terms; specifying the terms of the initial members of the Board; and generally relating to the supervision of, notification concerning, and penalties for sexual offenders.

BY repealing and reenacting, without amendments,
UNOFFICIAL COPY OF SENATE BILL 1

BY repealing and reenacting, with amendments,
Article - Correctional Services
Section 7-206
Annotated Code of Maryland
(1999 Volume and 2005 Supplement)

BY repealing and reenacting, with amendments,
Article - Criminal Procedure
Section 11-701, 11-709, 11-713, 11-717, 11-718, and 11-721
Annotated Code of Maryland
(2001 Volume and 2005 Supplement)

BY repealing and reenacting, without amendments,
Article - Criminal Procedure
Section 11-707
Annotated Code of Maryland
(2001 Volume and 2005 Supplement)

BY adding to
Article - Criminal Procedure
Section 11-722 through 11-726
Annotated Code of Maryland
(2001 Volume and 2005 Supplement)

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

Article - Correctional Services

7-205. (a) The Commission has the exclusive power to:
(1) authorize the parole of an individual sentenced under the laws of the State to any correctional facility in the State;
(2) negotiate, enter into, and sign predetermined parole release agreements as provided under subsection (b) of this section;
(3) hear cases for parole in which:
   (i) the Commissioner of Correction, after reviewing the recommendation of the appropriate managing official, objects to a parole;
   (ii) the inmate was convicted of a homicide;
(iii) the inmate is serving a sentence of life imprisonment; or

(iv) the parole hearing is open to the public under § 7-304 of this title;

(4) hear exceptions to recommendations of a hearing examiner or a commissioner acting as a hearing examiner;

(5) review summarily all recommendations of a hearing examiner or a commissioner acting as a hearing examiner to which an exception has not been filed;

(6) hear a case for parole in absentia when an individual who was sentenced in this State to serve a term of imprisonment is in a correctional facility of a jurisdiction other than this State;

(7) hear cases of parole revocation; and

(8) if delegated by the Governor, hear cases involving an alleged violation of a conditional pardon.

(b) (1) (i) The Commission may negotiate, enter into, and sign a predetermined parole release agreement with the Commissioner of Correction and an inmate under the jurisdiction of the Commission.

(ii) The agreement may provide for the release of the inmate on parole at a predetermined time if, during the inmate’s term of confinement, the inmate participates in the programs designated by the Commission and fulfills any other conditions specified in the agreement.

(2) This subsection does not affect any diminution of an inmate’s term of confinement awarded under Title 3, Subtitle 7 and §§ 9-506 and 9-513 of this article.

(c) Each commissioner has visitorial powers over any correctional facility in which an individual is confined on a criminal charge, whether the correctional facility is operated by the State or by a county or municipal corporation of the State.

(d) As necessary to carry out its duties, the Commission may:

(1) issue subpoenas requiring the attendance and testimony of witnesses;

(2) administer oaths; and

(3) examine witnesses under oath, including any inmate who is confined in a correctional facility operated by the State or by a county or municipal corporation of the State.

(e) (1) A person who is personally served with a subpoena and who fails to appear or refuses to testify before the Commission is guilty of a misdemeanor and on conviction is subject to a fine of not more than $100.
(2) The fine imposed under paragraph (1) of this subsection shall be paid into the General Fund of the State.

(f) A witness who makes a false statement relating to a matter that is material to the Commission's inquiry while testifying before the Commission is guilty of perjury and on conviction is subject to the penalty of § 9-101 of the Criminal Law Article.

7-206.

The Commission shall:

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

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

(3) review and make recommendations to the Governor:

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

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

(4) establish and modify general policy governing the conduct of parolees; [and]

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

(6) ADMINISTER EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE.

Article - Criminal Procedure

11-701.

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

(A-1) "BOARD" MEANS THE SEXUAL OFFENDER ADVISORY BOARD.

(b) "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; or

(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.

(B-1) “COMMISSION” MEANS THE MARYLAND PAROLE COMMISSION.

(b-1) (B-2) “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.

(c) “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.

(d) “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.

(e) (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.

(f) "Sexually violent offender" means a person who:

(1) has been convicted of a sexually violent offense; or

(2) has been convicted of an attempt to commit a sexually violent offense.

(g) "Sexually violent offense" means:

(1) a violation of §§ 3-303 through 3-307 or §§ 3-309 through 3-312 of the Criminal Law Article;

(2) assault with intent to commit rape in the first or second degree or a sexual offense in the first or second degree as prohibited on or before September 30, 1996, under former Article 27, § 12 of the Code; or

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

(1) a person who:

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

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

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

(i) "Supervising authority" means:

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

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

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

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

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

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

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

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

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

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

the Director of Parole and Probation, if the registrant is under the
supervision of the Division of Parole and Probation.

"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.

(a) (1) (i) A child sexual offender shall register annually in person, on or
before January 1, with a local law enforcement unit for the term provided under
paragraph (4) of this subsection.

(ii) Each registration shall include a new photograph.

(2) An offender and a sexually violent offender shall register annually, on
or before January 1, with the Department in accordance with § 11-711(a) of this
subtitle and for the term provided under paragraph (4) of this subsection.

(3) (i) A sexually violent predator shall register in person every 90
days, on or before January 1, April 1, July 1, and October 1, in accordance with §
11-711(b) of this subtitle and for the term provided under paragraph (4)(ii) of this
subsection.

(ii) Registration shall include a photograph that shall be updated at
least once each year.

(4) The term of registration is:

(i) 10 years; or

(ii) life, 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.
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.

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

- the last date of release;
- the date granted probation; or
- the date granted a suspended sentence.

Each year within 5 days after a child sexual 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 annual registration, including the photograph, to the Department.

As soon as possible but not later than 5 working days after receiving a registration statement of a child sexual offender OR NOTICE OF A CHANGE OF ADDRESS OF A CHILD SEXUAL OFFENDER, a local law enforcement unit shall send written notice of the registration statement OR CHANGE OF ADDRESS to the county superintendent, as defined in § 1-101 of the Education Article, in the county where the child sexual offender is to reside or where a child sexual offender who is not a resident of the State is a transient or will work or attend school.

As soon as possible but not later than 5 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 offender.

A local law enforcement unit that receives a notice from a supervising authority under this [section] SUBTITLE shall send a copy of the notice to the police department, if any, of a municipal corporation if the registrant:

- is to reside in the municipal corporation after release; [or]
- escapes from a facility but resided in the municipal corporation before being committed to the custody of a supervising authority; OR
- IS TO CHANGE ADDRESSES TO ANOTHER PLACE OF RESIDENCE WITHIN THE MUNICIPAL CORPORATION.

As soon as possible but not later than 5 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 LOCAL POLICE PRECINCT OR DISTRICT IN WHICH THE
CHILD SEXUAL OFFENDER IS TO RESIDE OR WHERE A CHILD SEXUAL OFFENDER WHO IS NOT A RESIDENT OF THE STATE WILL WORK OR ATTEND SCHOOL.

(E) AS SOON AS POSSIBLE BUT NOT LATER THAN 5 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 DISTRICT OR AREA IN WHICH THE CHILD SEXUAL OFFENDER IS TO RESIDE OR WHERE A CHILD SEXUAL OFFENDER WHO IS NOT A RESIDENT OF THE STATE WILL WORK OR ATTEND SCHOOL.

(F) AS SOON AS POSSIBLE BUT NOT LATER THAN 5 DAYS AFTER RECEIVING A COPY OF A REGISTRATION STATEMENT OF A CHILD SEXUAL OFFENDER UNDER THIS SUBTITLE, OR NOTICE OF A CHANGE OF ADDRESS OF A REGISTERED CHILD SEXUAL OFFENDER, A LOCAL LAW ENFORCEMENT UNIT SHALL SEND WRITTEN NOTICE OF THE REGISTRATION STATEMENT TO THE FOLLOWING ENTITIES THAT ARE LOCATED WITHIN THE AREA IN WHICH THE CHILD SEXUAL OFFENDER IS TO RESIDE OR WHERE A CHILD SEXUAL OFFENDER WHO IS NOT A RESIDENT OF THE STATE WILL WORK OR ATTEND SCHOOL:

(1) FAMILY DAY CARE HOMES OR CHILD CARE CENTERS REGISTERED OR LICENSED 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 OFFENDERS.

(G) (1) WITHIN 10 DAYS AFTER RECEIVING UNDER THIS SUBTITLE A COPY OF A REGISTRATION STATEMENT OF A CHILD SEXUAL OFFENDER, OR NOTICE OF A CHANGE OF ADDRESS OF A REGISTERED CHILD SEXUAL OFFENDER, A LOCAL LAW ENFORCEMENT UNIT SHALL HOLD A MEETING OPEN TO ALL RESIDENTS LIVING IN THE GEOGRAPHIC AREA SURROUNDING THE PLACE IN WHICH A CHILD SEXUAL OFFENDER IS TO RESIDE OR WHERE A CHILD SEXUAL OFFENDER WHO IS NOT A RESIDENT OF THE STATE WILL WORK OR ATTEND SCHOOL.

(2) THE PAROLE AGENT OF THE CHILD SEXUAL OFFENDER, A SEXUAL OFFENDER TREATMENT PROVIDER, AND A SEXUAL OFFENDER VICTIM ADVOCATE SHALL ATTEND A MEETING HELD UNDER PARAGRAPH (1) OF THIS SUBSECTION TO PROVIDE INFORMATION ABOUT THE CHILD SEXUAL OFFENDER AND GENERAL EDUCATIONAL INFORMATION ABOUT:

(I) CHILD SEXUAL OFFENDING;

(II) PROTECTING CHILDREN AGAINST SEXUAL OFFENDING; AND

(III) ACTS AGAINST SEXUAL OFFENDERS THAT ARE PROHIBITED.
THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION REGARDING:

(I) THE METHOD OF DETERMINING IN URBAN, SUBURBAN, AND RURAL AREAS THE GEOGRAPHIC AREA IN WHICH RESIDENTS ARE TO BE INCLUDED IN THE MEETING UNDER PARAGRAPH (1) OF THIS SUBSECTION;

(II) THE METHOD OF CONDUCTING AND ADVERTISING THE COMMUNITY MEETING; AND

(III) SPECIFIC INFORMATION ABOUT THE REGISTRANT TO BE PROVIDED TO THE COMMUNITY.

WITHIN 10 DAYS AFTER RECEIVING UNDER THIS SUBTITLE A COPY OF A REGISTRATION STATEMENT OF A CHILD SEXUAL OFFENDER OR NOTICE OF A CHANGE OF ADDRESS OF A CHILD SEXUAL OFFENDER, A LOCAL LAW ENFORCEMENT UNIT MAY NOTIFY MEMBERS OF THE PUBLIC WHO LIVE OUTSIDE THE GEOGRAPHIC AREA DEFINED IN SUBSECTION (G) OF THIS SECTION BUT WHO LIVE WITHIN THE MUNICIPAL CORPORATION OR OTHER LARGER AREA IN WHICH THE CHILD SEXUAL OFFENDER IS TO RESIDE OR WHERE THE CHILD SEXUAL OFFENDER WHO IS NOT A RESIDENT OF THE STATE WILL WORK OR ATTEND SCHOOL.

PROCEDURES FOR NOTIFYING THE COMMUNITY UNDER SUBSECTION (G) AND SUBSECTION (H) OF THIS SECTION SHALL INCLUDE, AS APPROPRIATE:

(I) MEDIA RELEASE THROUGH PUBLICATION IN LOCAL NEWSPAPERS OF GENERAL CIRCULATION;

(II) NOTICE TO LOCAL TELEVISION STATIONS;

(III) PUBLICATION IN SCHOOL AND COMMUNITY NEWSLETTERS;

(IV) FLYERS OR HANDBILLS DISTRIBUTED BY MAIL; AND

(V) FLYERS OR HANDBILLS DISTRIBUTED DOOR-TO-DOOR BY LOCAL LAW ENFORCEMENT UNITS.

THE DEPARTMENT SHALL ADOPT REGULATIONS REGARDING THE FACTORS A LOCAL LAW ENFORCEMENT UNIT SHALL CONSIDER IN DETERMINING THE SCOPE AND MANNER OF NOTIFICATION THAT SHALL BEST SERVE THE INTERESTS OF JUSTICE AND COMMUNITY SAFETY, INCLUDING:

(I) RESOURCES AVAILABLE TO THE LOCAL LAW ENFORCEMENT UNIT; AND

(II) INFORMATION REGARDING THE RISK TO COMMUNITY SAFETY FROM A CHILD SEXUAL OFFENDER THAT IS AVAILABLE TO THE LOCAL LAW ENFORCEMENT UNIT.
The Department:

1. as soon as possible but not later than 5 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;

3. shall reimburse supervising authorities for the cost of processing the
registration statements of registrants, including the cost of taking fingerprints and
photographs; AND

4. SHALL REIMBURSE LOCAL LAW ENFORCEMENT UNITS FOR THE
COSTS OF IMPLEMENTING COMMUNITY NOTIFICATION PROCEDURES.

(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 DESCRIPTION OF THE CRIME
OF THE OFFENDER THAT IS THE BASIS FOR THE REGISTRATION.

(b) The Department may post on the Internet a current listing of each
registrant's name, crime, and other identifying information.

(C) THE DEPARTMENT, THROUGH AN INTERNET POSTING OF CURRENT
REGISTRANTS, SHALL 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 LOCAL LAW ENFORCEMENT UNIT
WHERE A REGISTRANT RESIDES OR WHERE A REGISTRANT WHO IS NOT A RESIDENT
OF THE STATE WILL WORK OR ATTEND SCHOOL.

(D) THE DEPARTMENT SHALL MAKE AVAILABLE TO MEMBERS OF THE PUBLIC
WHO LIVE IN THE COUNTY IN WHICH THE REGISTRANT IS TO RESIDE OR WHERE THE
REGISTRANT, IF NOT A RESIDENT OF THE STATE, WILL WORK OR ATTEND SCHOOL
THE OPTION OF RECEIVING ELECTRONIC MAIL NOTIFICATION OF THE RELEASE
FROM INCARCERATION OF A REGISTERED OFFENDER AND THE REGISTRATION
INFORMATION OF THE OFFENDER.

([c]) (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 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.

(b) (1) The Department and local law enforcement units shall establish procedures to carry out the notification requirements of this section, including the circumstances under and manner in which notification shall be provided.

(2) APPROPRIATE NOTIFICATION PROCEDURES INCLUDE THOSE IDENTIFIED IN § 11-709 OF THIS SUBTITLE.

(c) A local law enforcement unit and the Department may not release the identity of a victim of a crime that requires registration under this subtitle.

(d) A disclosure under this section does not limit or prohibit any other disclosure allowed or required under law.

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) of this subtitle, or knowingly provide false information of a material fact as required by this subtitle.

(b) A person who violates this section is guilty of a [misdemeanor] FELONY and on conviction is subject to imprisonment not exceeding [3] 5 years or a fine not exceeding [$5,000] $10,000 or both.

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

11-722.

(A) EXCEPT WHERE A TERM OF NATURAL LIFE WITHOUT THE POSSIBILITY OF PAROLE IS IMPOSED, A SENTENCE FOR A DEFENDANT FOR A VIOLATION THAT REQUIRES THE DEFENDANT TO REGISTER AS A SEX OFFENDER FOR A TERM OF LIFE UNDER § 11-707 OF THIS SUBTITLE 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 OCTOBER 1, 2006, SHALL:

(1) BE A MINIMUM OF 3 YEARS TO A MAXIMUM OF A TERM OF LIFE; AND
The Maryland Parole Commission shall:

(A) Negotiate, enter into, and sign extended sexual offender parole supervision agreements with registrants sentenced to parole supervision under § 11-722 of this subtitle that set out specific conditions of supervision;

(B) Hear and adjudicate cases of extended sexual offender parole supervision violations;

(C) Impose sanctions for extended sexual offender parole supervision violations, including additional restrictive conditions or imprisonment not exceeding 2 years or both.

(D) (1) The commission shall hear and adjudicate a petition for discharge from extended sexual offender parole supervision from a registrant.
A REGISTRANT MAY FILE A PETITION FOR DISCHARGE AFTER SERVING AT LEAST 3 YEARS OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION.

IF A PETITION FOR DISCHARGE IS DENIED, A REGISTRANT MAY NOT RENEW THE PETITION FOR A MINIMUM OF 1 YEAR.

A PETITION FOR DISCHARGE SHALL INCLUDE:

- A RISK ASSESSMENT OF THE REGISTRANT CONDUCTED BY A CERTIFIED SEXUAL OFFENDER TREATMENT PROVIDER WITHIN 3 MONTHS BEFORE THE DATE OF THE FILING OF THE PETITION; AND
- A RECOMMENDATION REGARDING THE DISCHARGE OF THE REGISTRANT FROM THE SEXUAL OFFENDER MANAGEMENT TEAM.

THE COMMISSION MAY NOT DISCHARGE A REGISTRANT FROM EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION UNLESS THE COMMISSION DETERMINES THAT THE PETITIONER NO LONGER POSES AN UNACCEPTABLE RISK TO COMMUNITY SAFETY.

THE COMMISSION SHALL HAVE ALL OF THE POWERS SET FORTH IN § 7-205 OF THE CORRECTIONAL SERVICES ARTICLE FOR THE PURPOSE OF CARRYING OUT THE DUTIES OF THE COMMISSION UNDER THIS SUBTITLE.

THE COMMISSION SHALL APPOINT AN ADMINISTRATOR TO COORDINATE THE REQUIREMENTS OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION UNDER THIS SUBTITLE.

UNDER THE SUPERVISION OF THE DIVISION OF PAROLE AND PROBATION, A SEXUAL OFFENDER MANAGEMENT TEAM SHALL CONDUCT EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION AND THE SUPERVISION OF PROBATION, PAROLE, OR MANDATORY RELEASE OF A REGISTRANT SUBJECT TO EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION.

A SEXUAL OFFENDER MANAGEMENT TEAM:

- CONSISTS OF:
  - A SPECIALLY-TRAINED PAROLE AGENT;
  - A REPRESENTATIVE OF A CERTIFIED SEX OFFENDER TREATMENT PROVIDER; AND
  - A POLYGRAPHER;

- MAY INCLUDE:
  - VICTIM ADVOCATES;
(II) FAITH COUNSELORS;

(III) EMPLOYMENT COUNSELORS; AND

(IV) COMMUNITY LEADERS.

(C) (1) A SEXUAL OFFENDER MANAGEMENT TEAM SHALL SUBMIT PROGRESS REPORTS ON EACH REGISTRANT TO THE COMMISSION ONCE EVERY 6 MONTHS.

(2) A SEXUAL OFFENDER MANAGEMENT TEAM SHALL PROVIDE COPIES OF EACH PROGRESS REPORT TO LOCAL LAW ENFORCEMENT UNITS OF THE COUNTY IN WHICH THE REGISTRANT RESIDES OR WHERE A SEXUAL OFFENDER WHO IS NOT A RESIDENT OF THE STATE WILL WORK OR ATTEND SCHOOL.

11 -725.

(A) THERE IS A SEXUAL OFFENDER ADVISORY BOARD.

(B) THE BOARD CONSISTS OF NO MORE THAN 12 MEMBERS REPRESENTING LAW ENFORCEMENT, CORRECTIONAL SERVICES, SEXUAL OFFENDER TREATMENT PROVIDERS, VICTIM ADVOCATES, AND POLYGRAPHERS.


(2) THE TERM OF A MEMBER IS 4 YEARS.

(3) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2006.

(4) AT THE END OF A TERM A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(5) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(D) THE BOARD SHALL:

(1) DEVELOP STANDARDS FOR CONDITIONS OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION BASED ON CURRENT AND EVOLVING BEST PRACTICES IN THE FIELD OF SEXUAL OFFENDER MANAGEMENT;

(2) DEVELOP STANDARDS FOR SEXUAL OFFENDER TREATMENT BASED ON CURRENT AND EVOLVING BEST PRACTICES;

(3) CERTIFY STATE SEXUAL OFFENDER TREATMENT PROGRAMS THAT ARE IN COMPLIANCE WITH STANDARDS; AND
(4) PROVIDE TRAINING FOR SEXUAL OFFENDER MANAGEMENT TEAMS.

THE COMMISSION, WITH THE ADVICE OF THE SEXUAL OFFENDER ADVISORY BOARD, SHALL ADOPT REGULATIONS NECESSARY TO CARRY OUT THE DUTIES OF THE COMMISSION UNDER § 11-723 OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial members of the Sexual Offender Advisory Board shall expire as follows:

(1) four members in 2008;
(2) four members in 2009; and
(3) four members in 2010.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2006.
A BILL ENTITLED

1 AN ACT concerning

Registered Sexual Offenders - Supervision, Notifications, and Penalties

3 FOR the purpose of authorizing the Maryland Parole Commission to administer
certain extended sexual offender parole supervision; requiring a local law
enforcement unit to provide a certain notice to a certain county superintendent
of a change of address of a certain sexual offender within a certain time period;
requiring a local law enforcement unit to provide a certain notice to a certain
police department of a certain change of address of a certain sexual offender
within a certain time period; requiring a certain police department to provide a
certain notice to a certain commander of a local police precinct or district within
a certain time period; requiring a local law enforcement unit to send a copy of a
certain notice to a certain commander of a local police precinct or district within
a certain time period; requiring a local law enforcement unit to send a certain
notice to certain organizations that serve children and other individuals
vulnerable to certain offenders within a certain time period; requiring a local
law enforcement unit to hold a certain meeting open to all residents living in a
certain geographic area within a certain time period; requiring a State parole
agent, a sexual offender treatment provider, and a sexual offender victim
advocate to attend a certain meeting and provide certain information; requiring
the Department of Public Safety and Correctional Services to adopt certain
regulations; authorizing a local law enforcement unit to notify certain members
of the public outside a certain geographical area of a certain registration
statement and notice of change of address of a certain offender; requiring certain
notification procedures to be used, as appropriate; requiring the Department to
reimburse a local law enforcement unit for the costs of certain community
notification; requiring certain registration statements to include a certain
description of the crime that is the basis for the registration of a certain
offender; requiring the Department, through a certain Internet posting of
current registrants, to allow the public to electronically transmit certain
information to the Department, to certain parole agents, and to local law
enforcement; requiring the Department to make available to certain members of
the public electronic mail notification of the release and registration information
of certain offenders; authorizing the Department or a local law enforcement unit
to provide certain information to a certain person under certain circumstances;
altering the classification of the crime from a misdemeanor to a felony and
increasing the maximum penalties for a person convicted of knowingly failing to
register as an offender for certain crimes, knowingly failing to provide a certain
written notice to the Department, and knowingly providing false information of
a material fact on a certain registration statement; requiring a sentence for a
certain category of sexual offender to include a term for extended sexual
offender parole supervision; requiring that a term of extended sexual offender
parole supervision have a certain minimum and a possible certain maximum
period and commence at the expiration of a certain term; requiring that the
Commission negotiate, enter into, and sign certain extended sexual offender
parole supervision agreements that set out certain conditions; requiring the
Commission to hear and adjudicate certain cases; authorizing the Commission
to impose certain sanctions on certain registrants; providing that imprisonment
for a certain violation is not subject to diminution credits; authorizing certain
specific conditions of extended sexual offender parole supervision agreements;
requiring the Commission to hear and adjudicate a certain petition of discharge
from extended sexual offender parole supervision; authorizing a certain
registrant to petition for discharge after serving a certain period of extended
supervision; authorizing a registrant whose petition for discharge is denied to
petition for discharge again after a certain period; requiring a certain petition
for discharge to include a certain risk assessment of a registrant and a
recommendation from a certain sexual offender management team; prohibiting
the Commission from discharging a registrant from certain supervision unless
the Commission determines that the registrant no longer poses an unacceptable
risk to community safety; providing that the Commission has certain powers for
the purpose of carrying out certain duties; requiring the Commission to appoint
a certain administrator; requiring that a sexual offender parole supervision be
conducted by a sexual offender management team under the supervision of the
Division of Parole and Probation; requiring a sexual offender management team
to be comprised of a certain parole agent, sexual offender treatment provider,
and polygrapher; authorizing a sexual offender management team to include
certain other persons; requiring a sexual offender management team to submit
certain progress reports on certain registrants at certain intervals; requiring a
sexual offender management team to provide a copy of a certain progress report
to a certain local law enforcement unit; establishing a Sexual Offender Advisory
Board to assist the Commission and the Division; providing for the composition
and method of selection of the Board; establishing the terms of the members of
the Board; requiring the Board to perform certain duties; requiring the
Commission, with the advice of the Board, to adopt certain regulations; defining
certain terms; specifying the terms of the initial members of the Board; and
generally relating to the supervision of, notification concerning, and penalties
for sexual offenders.

BY repealing and reenacting, without amendments,
Article - Correctional Services
Section 7-205
Annotated Code of Maryland
(1999 Volume and 2005 Supplement)
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article - Correctional Services**

7-205.

(a) The Commission has the exclusive power to:

(1) authorize the parole of an individual sentenced under the laws of the State to any correctional facility in the State;

(2) negotiate, enter into, and sign predetermined parole release agreements as provided under subsection (b) of this section;

(3) hear cases for parole in which:

(i) the Commissioner of Correction, after reviewing the recommendation of the appropriate managing official, objects to a parole;

(ii) the inmate was convicted of a homicide;

(iii) the inmate is serving a sentence of life imprisonment; or
(iv) the parole hearing is open to the public under § 7-304 of this title;

(4) hear exceptions to recommendations of a hearing examiner or a commissioner acting as a hearing examiner;

(5) review summarily all recommendations of a hearing examiner or a commissioner acting as a hearing examiner to which an exception has not been filed;

(6) hear a case for parole in absentia when an individual who was sentenced in this State to serve a term of imprisonment is in a correctional facility of a jurisdiction other than this State;

(7) hear cases of parole revocation; and

(8) if delegated by the Governor, hear cases involving an alleged violation of a conditional pardon.

(b) (1) (i) The Commission may negotiate, enter into, and sign a predetermined parole release agreement with the Commissioner of Corrections and an inmate under the jurisdiction of the Commission.

(ii) The agreement may provide for the release of the inmate on parole at a predetermined time if, during the inmate's term of confinement, the inmate participates in the programs designated by the Commission and fulfills any other conditions specified in the agreement.

(2) This subsection does not affect any diminution of an inmate's term of confinement awarded under Title 3, Subtitle 7 and §§ 9-506 and 9-513 of this article.

(c) Each commissioner has visitorial powers over any correctional facility in which an individual is confined on a criminal charge, whether the correctional facility is operated by the State or by a county or municipal corporation of the State.

(d) As necessary to carry out its duties, the Commission may:

(1) issue subpoenas requiring the attendance and testimony of witnesses;

(2) administer oaths; and

(3) examine witnesses under oath, including any inmate who is confined in a correctional facility operated by the State or by a county or municipal corporation of the State.

(e) (1) A person who is personally served with a subpoena and who fails to appear or refuses to testify before the Commission is guilty of a misdemeanor and on conviction is subject to a fine of not more than $100.

(2) The fine imposed under paragraph (1) of this subsection shall be paid into the General Fund of the State.
5 UNOFFICIAL COPY OF HOUSE BILL 4

(f) A witness who makes a false statement relating to a matter that is material to the Commission's inquiry while testifying before the Commission is guilty of perjury and on conviction is subject to the penalty of § 9-101 of the Criminal Law Article.

7-206.

The Commission shall:

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

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

(3) review and make recommendations to the Governor:

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

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

(4) establish and modify general policy governing the conduct of parolees; [and]

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

(6) ADMINISTER EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE.

Article - Criminal Procedure

11-701.

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

"BOARD" MEANS THE SEXUAL OFFENDER ADVISORY BOARD.

"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; or

(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.

(B-1) "COMMISSION" MEANS THE MARYLAND PAROLE COMMISSION.

(B-2) "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.

(c) "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.

(d) "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.

(e) (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.

(f) "Sexually violent offender" means a person who:

(1) has been convicted of a sexually violent offense; or

(2) has been convicted of an attempt to commit a sexually violent offense.

(g) "Sexually violent offense" means:

(1) a violation of §§ 3-303 through 3-307 or §§ 3-309 through 3-312 of the Criminal Law Article;

(2) assault with intent to commit rape in the first or second degree or a sexual offense in the first or second degree as prohibited on or before September 30, 1996, under former Article 27, § 12 of the Code; or

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

(h) "Sexually violent predator" means:

(1) a person who:
(i) is convicted of a sexually violent offense; and

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

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

(i) "Supervising authority" means:

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

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

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

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

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

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

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

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

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

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

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

(j) "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.

(a) (1) (i) A child sexual offender shall register annually in person, on or before January 1, with a local law enforcement unit for the term provided under paragraph (4) of this subsection.

(ii) Each registration shall include a new photograph.

(2) An offender and a sexually violent offender shall register annually, on or before January 1, with the Department in accordance with § 11-711(a) of this subtitle and for the term provided under paragraph (4) of this subsection.

(3) (i) A sexually violent predator shall register in person every 90 days, on or before January 1, April 1, July 1, and October 1, in accordance with § 11-711(b) of this subtitle and for the term provided under paragraph (4)(ii) of this subsection.

(ii) Registration shall include a photograph that shall be updated at least once each year.

(4) The term of registration is:

(i) 10 years; or

(ii) life, 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.
(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.

§ 11-709.

(a) Each year within 5 days after a child sexual 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 annual registration, including the photograph, to the Department.

(b) (1) As soon as possible but not later than 5 working days after receiving a registration statement of a child sexual offender OR NOTICE OF A CHANGE OF ADDRESS OF A CHILD SEXUAL OFFENDER, a local law enforcement unit shall send written notice of the registration statement OR CHANGE OF ADDRESS to the county superintendent, as defined in § 1-101 of the Education Article, in the county where the child sexual offender is to reside or where a child sexual 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 5 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 offender.

(c) A local law enforcement unit that receives a notice from a supervising authority under this [section] 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 in the municipal corporation after release; [or]
(2) escapes from a facility but resided 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 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 LOCAL POLICE PRECINCT OR DISTRICT IN WHICH THE
CHILD SEXUAL OFFENDER IS TO RESIDE OR WHERE A CHILD SEXUAL OFFENDER WHO IS NOT A RESIDENT OF THE STATE WILL WORK OR ATTEND SCHOOL.

(E) AS SOON AS POSSIBLE BUT NOT LATER THAN 5 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 DISTRICT OR AREA IN WHICH THE CHILD SEXUAL OFFENDER IS TO RESIDE OR WHERE A CHILD SEXUAL OFFENDER WHO IS NOT A RESIDENT OF THE STATE WILL WORK OR ATTEND SCHOOL.

(F) AS SOON AS POSSIBLE BUT NOT LATER THAN 5 DAYS AFTER RECEIVING A COPY OF A REGISTRATION STATEMENT OF A CHILD SEXUAL OFFENDER UNDER THIS SUBTITLE, OR NOTICE OF A CHANGE OF ADDRESS OF A REGISTERED CHILD SEXUAL OFFENDER, A LOCAL LAW ENFORCEMENT UNIT SHALL SEND WRITTEN NOTICE OF THE REGISTRATION STATEMENT TO THE FOLLOWING ENTITIES THAT ARE LOCATED WITHIN THE AREA IN WHICH THE CHILD SEXUAL OFFENDER IS TO RESIDE OR WHERE A CHILD SEXUAL OFFENDER WHO IS NOT A RESIDENT OF THE STATE WILL WORK OR ATTEND SCHOOL:

(1) FAMILY DAY CARE HOMES OR CHILD CARE CENTERS REGISTERED OR LICENSED 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 OFFENDERS.

(G) (1) WITHIN 10 DAYS AFTER RECEIVING UNDER THIS SUBTITLE A COPY OF A REGISTRATION STATEMENT OF A CHILD SEXUAL OFFENDER, OR NOTICE OF A CHANGE OF ADDRESS OF A REGISTERED CHILD SEXUAL OFFENDER, A LOCAL LAW ENFORCEMENT UNIT SHALL HOLD A MEETING OPEN TO ALL RESIDENTS LIVING IN THE GEOGRAPHIC AREA SURROUNDING THE PLACE IN WHICH A CHILD SEXUAL OFFENDER IS TO RESIDE OR WHERE A CHILD SEXUAL OFFENDER WHO IS NOT A RESIDENT OF THE STATE WILL WORK OR ATTEND SCHOOL.

(2) THE PAROLE AGENT OF THE CHILD SEXUAL OFFENDER, A SEXUAL OFFENDER TREATMENT PROVIDER, AND A SEXUAL OFFENDER VICTIM ADVOCATE SHALL ATTEND A MEETING HELD UNDER PARAGRAPH (1) OF THIS SUBSECTION TO PROVIDE INFORMATION ABOUT THE CHILD SEXUAL OFFENDER AND GENERAL EDUCATIONAL INFORMATION ABOUT:

(I) CHILD SEXUAL OFFENDING;

(II) PROTECTING CHILDREN AGAINST SEXUAL OFFENDING; AND

(III) ACTS AGAINST SEXUAL OFFENDERS THAT ARE PROHIBITED.
THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION REGARDING:

(I) THE METHOD OF DETERMINING IN URBAN, SUBURBAN, AND RURAL AREAS THE GEOGRAPHIC AREA IN WHICH RESIDENTS ARE TO BE INCLUDED IN THE MEETING UNDER PARAGRAPH (1) OF THIS SUBSECTION;

(II) THE METHOD OF CONDUCTING AND ADVERTISING THE COMMUNITY MEETING; AND

(III) SPECIFIC INFORMATION ABOUT THE REGISTRANT TO BE PROVIDED TO THE COMMUNITY.

WITHIN 10 DAYS AFTER RECEIVING UNDER THIS SUBTITLE A COPY OF A REGISTRATION STATEMENT OF A CHILD SEXUAL OFFENDER OR NOTICE OF A CHANGE OF ADDRESS OF A CHILD SEXUAL OFFENDER, A LOCAL LAW ENFORCEMENT UNIT MAY NOTIFY MEMBERS OF THE PUBLIC WHO LIVE OUTSIDE THE GEOGRAPHIC AREA DEFINED IN SUBSECTION (G) OF THIS SECTION BUT WHO LIVE WITHIN THE MUNICIPAL CORPORATION OR OTHER LARGER AREA IN WHICH THE CHILD SEXUAL OFFENDER IS TO RESIDE OR WHERE THE CHILD SEXUAL OFFENDER WHO IS NOT A RESIDENT OF THE STATE WILL WORK OR ATTEND SCHOOL.

PROCEDURES FOR NOTIFYING THE COMMUNITY UNDER SUBSECTION (G) AND SUBSECTION (H) OF THIS SECTION SHALL INCLUDE, AS APPROPRIATE:

(I) MEDIA RELEASE THROUGH PUBLICATION IN LOCAL NEWSPAPERS OF GENERAL CIRCULATION;

(II) NOTICE TO LOCAL TELEVISION STATIONS;

(III) PUBLICATION IN SCHOOL AND COMMUNITY NEWSLETTERS;

(IV) FLYERS OR HANDBILLS DISTRIBUTED BY MAIL; AND

(V) FLYERS OR HANDBILLS DISTRIBUTED DOOR-TO-DOOR BY LOCAL LAW ENFORCEMENT UNITS.

THE DEPARTMENT SHALL ADOPT REGULATIONS REGARDING THE FACTORS A LOCAL LAW ENFORCEMENT UNIT SHALL CONSIDER IN DETERMINING THE SCOPE AND MANNER OF NOTIFICATION THAT SHALL BEST SERVE THE INTERESTS OF JUSTICE AND COMMUNITY SAFETY, INCLUDING:

(I) RESOURCES AVAILABLE TO THE LOCAL LAW ENFORCEMENT UNIT; AND

(II) INFORMATION REGARDING THE RISK TO COMMUNITY SAFETY FROM A CHILD SEXUAL OFFENDER THAT IS AVAILABLE TO THE LOCAL LAW ENFORCEMENT UNIT.
The Department:

(1) as soon as possible but not later than 5 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;

(3) shall reimburse supervising authorities for the cost of processing the registration statements of registrants, including the cost of taking fingerprints and photographs; AND

(4) SHALL REIMBURSE LOCAL LAW ENFORCEMENT UNITS FOR THE COSTS OF IMPLEMENTING COMMUNITY NOTIFICATION PROCEDURES.

(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 DESCRIPTION OF THE CRIME OF THE OFFENDER THAT IS THE BASIS FOR THE REGISTRATION.

(b) The Department may post on the Internet a current listing of each registrant's name, crime, and other identifying information.

(C) THE DEPARTMENT, THROUGH AN INTERNET POSTING OF CURRENT REGISTRANTS, SHALL 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 LOCAL LAW ENFORCEMENT UNIT WHERE A REGISTRANT RESIDES OR WHERE A REGISTRANT WHO IS NOT A RESIDENT OF THE STATE WILL WORK OR ATTEND SCHOOL.

(D) THE DEPARTMENT SHALL MAKE AVAILABLE TO MEMBERS OF THE PUBLIC WHO LIVE IN THE COUNTY IN WHICH THE REGISTRANT IS TO RESIDE OR WHERE THE REGISTRANT, IF NOT A RESIDENT OF THE STATE, WILL WORK OR ATTEND SCHOOL THE OPTION OF RECEIVING ELECTRONIC MAIL NOTIFICATION OF THE RELEASE FROM INCARCERATION OF A REGISTERED OFFENDER AND THE REGISTRATION INFORMATION OF THE OFFENDER.

[c] (E) The Department shall establish regulations to carry out this section.
(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 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.

(b) (1) The Department and local law enforcement units shall establish procedures to carry out the notification requirements of this section, including the circumstances under and manner in which notification shall be provided.

(2) APPROPRIATE NOTIFICATION PROCEDURES INCLUDE THOSE IDENTIFIED IN § 11-709 OF THIS SUBTITLE.

(c) A local law enforcement unit and the Department may not release the identity of a victim of a crime that requires registration under this subtitle.

(d) A disclosure under this section does not limit or prohibit any other disclosure allowed or required under law.

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) of this subtitle, or knowingly provide false information of a material fact as required by this subtitle.

(b) A person who violates this section is guilty of a [misdemeanor] FELONY and on conviction is subject to imprisonment not exceeding [3] 5 years or a fine not exceeding [5,000] $10,000 or both.

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

11-722.

(A) EXCEPT WHERE A TERM OF NATURAL LIFE WITHOUT THE POSSIBILITY OF PAROLE IS IMPOSED, A SENTENCE FOR A DEFENDANT FOR A VIOLATION THAT REQUIRES THE DEFENDANT TO REGISTER AS A SEX OFFENDER FOR A TERM OF LIFE UNDER § 11-707 OF THIS SUBTITLE 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 OCTOBER 1, 2006, SHALL:

(1) BE A MINIMUM OF 3 YEARS TO A MAXIMUM OF A TERM OF LIFE; AND
15 UNOFFICIAL COPY OF HOUSE BILL 4

1 (2) COMMENCE ON THE EXPIRATION OF THE LATER OF ANY TERM OF
2 IMPRISONMENT, PROBATION, PAROLE, OR MANDATORY SUPERVISION.

3 11-723.

4 (A) THE MARYLAND PAROLE COMMISSION SHALL:

5 (1) NEGOTIATE, ENTER INTO, AND SIGN EXTENDED SEXUAL OFFENDER
6 PAROLE SUPERVISION AGREEMENTS WITH REGISTRANTS SENTENCED TO
7 SUPERVISION UNDER § 11-722 OF THIS SUBTITLE THAT SET OUT SPECIFIC
8 CONDITIONS OF SUPERVISION;

9 (2) HEAR AND ADJUDICATE CASES OF EXTENDED SEXUAL OFFENDER
10 PAROLE SUPERVISION VIOLATIONS;

11 (3) IMPOSE SANCTIONS FOR EXTENDED SEXUAL OFFENDER PAROLE
12 SUPERVISION VIOLATIONS, INCLUDING ADDITIONAL RESTRICTIVE CONDITIONS OR
13 IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.

14 (B) IMPRISONMENT FOR AN EXTENDED SEXUAL OFFENDER PAROLE
15 SUPERVISION VIOLATION IS NOT SUBJECT TO DIMINUTION CREDITS.

16 (C) SPECIFIC CONDITIONS OF EXTENDED SEXUAL OFFENDER PAROLE
17 SUPERVISION MAY INCLUDE:

18 (1) MONITORING A REGISTRANT THROUGH GLOBAL POSITIONING
19 SATELLITE TRACKING TECHNOLOGY;

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

23 (3) RESTRICTING A REGISTRANT FROM OBTAINING EMPLOYMENT OR
24 FROM PARTICIPATING IN AN ACTIVITY THAT WOULD BRING THE REGISTRANT INTO
25 CONTACT WITH MINORS;

26 (4) REQUIRING A REGISTRANT TO PARTICIPATE IN A CERTIFIED SEXUAL
27 OFFENDER TREATMENT PROGRAM;

28 (5) PROHIBITING A REGISTRANT FROM USING ILLICIT DRUGS OR
29 ALCOHOL;

30 (6) AUTHORIZING PAROLE AGENTS TO ACCESS THE COMPUTER OF A
31 REGISTRANT; AND

32 (7) REQUIRING A REGISTRANT TO TAKE REGULAR POLYGRAPH
33 EXAMINATIONS.

34 (D) (1) THE COMMISSION SHALL HEAR AND ADJUDICATE A PETITION FOR
35 DISCHARGE FROM EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION FROM A
36 REGISTRANT.
A REGISTRANT MAY FILE A PETITION FOR DISCHARGE AFTER SERVING AT LEAST 3 YEARS OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION.

IF A PETITION FOR DISCHARGE IS DENIED, A REGISTRANT MAY NOT RENEW THE PETITION FOR A MINIMUM OF 1 YEAR.

A PETITION FOR DISCHARGE SHALL INCLUDE:

- A RISK ASSESSMENT OF THE REGISTRANT CONDUCTED BY A CERTIFIED SEXUAL OFFENDER TREATMENT PROVIDER WITHIN 3 MONTHS BEFORE THE DATE OF THE FILING OF THE PETITION; AND

- A RECOMMENDATION REGARDING THE DISCHARGE OF THE REGISTRANT FROM THE SEXUAL OFFENDER MANAGEMENT TEAM.

THE COMMISSION MAY NOT DISCHARGE A REGISTRANT FROM EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION UNLESS THE COMMISSION DETERMINES THAT THE PETITIONER NO LONGER POSES AN UNACCEPTABLE RISK TO COMMUNITY SAFETY.

THE COMMISSION SHALL HAVE ALL OF THE POWERS SET FORTH IN § 7-205 OF THE CORRECTIONAL SERVICES ARTICLE FOR THE PURPOSE OF CARRYING OUT THE DUTIES OF THE COMMISSION UNDER THIS SUBTITLE.

THE COMMISSION SHALL APPOINT AN ADMINISTRATOR TO COORDINATE THE REQUIREMENTS OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION UNDER THIS SUBTITLE.

UNDER THE SUPERVISION OF THE DIVISION OF PAROLE AND PROBATION, A SEXUAL OFFENDER MANAGEMENT TEAM SHALL CONDUCT EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION AND THE SUPERVISION OF PROBATION, PAROLE, OR MANDATORY RELEASE OF A REGISTRANT SUBJECT TO EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION.

A SEXUAL OFFENDER MANAGEMENT TEAM:

- CONSISTS OF:
  - A SPECIALLY-TRAINED PAROLE AGENT;
  - A REPRESENTATIVE OF A CERTIFIED SEX OFFENDER TREATMENT PROVIDER; AND
  - A POLYGRAPHER;

- MAY INCLUDE:
  - VICTIM ADVOCATES;
(II) FAITH COUNSELORS; (III) EMPLOYMENT COUNSELORS; AND (IV) COMMUNITY LEADERS.

(C) (1) A SEXUAL OFFENDER MANAGEMENT TEAM SHALL SUBMIT PROGRESS REPORTS ON EACH REGISTRANT TO THE COMMISSION ONCE EVERY 6 MONTHS.

(2) A SEXUAL OFFENDER MANAGEMENT TEAM SHALL PROVIDE COPIES OF EACH PROGRESS REPORT TO LOCAL LAW ENFORCEMENT UNITS OF THE COUNTY IN WHICH THE REGISTRANT RESIDES OR WHERE A SEXUAL OFFENDER WHO IS NOT A RESIDENT OF THE STATE WILL WORK OR ATTEND SCHOOL.

11-725.

(A) THERE IS A SEXUAL OFFENDER ADVISORY BOARD.

(B) THE BOARD CONSISTS OF NO MORE THAN 12 MEMBERS REPRESENTING LAW ENFORCEMENT, CORRECTIONAL SERVICES, SEXUAL OFFENDER TREATMENT PROVIDERS, VICTIM ADVOCATES, AND POLYGRAPHERS.


(2) THE TERM OF A MEMBER IS 4 YEARS.

(3) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2006.

(4) AT THE END OF A TERM A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(5) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(D) THE BOARD SHALL:

(1) DEVELOP STANDARDS FOR CONDITIONS OF EXTENDED SEXUAL OFFENDER PAROLE SUPERVISION BASED ON CURRENT AND EVOLVING BEST PRACTICES IN THE FIELD OF SEXUAL OFFENDER MANAGEMENT;

(2) DEVELOP STANDARDS FOR SEXUAL OFFENDER TREATMENT BASED ON CURRENT AND EVOLVING BEST PRACTICES;

(3) CERTIFY STATE SEXUAL OFFENDER TREATMENT PROGRAMS THAT ARE IN COMPLIANCE WITH STANDARDS; AND
(4) PROVIDE TRAINING FOR SEXUAL OFFENDER MANAGEMENT TEAMS.

THE COMMISSION, WITH THE ADVICE OF THE SEXUAL OFFENDER ADVISORY BOARD, SHALL ADOPT REGULATIONS NECESSARY TO CARRY OUT THE DUTIES OF THE COMMISSION UNDER § 11-723 OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial members of the Sexual Offender Advisory Board shall expire as follows:

1. four members in 2008;
2. four members in 2009; and
3. four members in 2010.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2006.