

(III) HAS BEEN CONVICTED IN ANOTHER STATE OF AN OFFENSE THAT, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE A SEXUALLY VIOLENT OFFENSE.

(11) "SEXUALLY VIOLENT PREDATOR" MEANS A PERSON WHO:

(I) IS CONVICTED OF A SECOND OR SUBSEQUENT SEXUALLY VIOLENT OFFENSE; AND

(II) HAS BEEN DETERMINED IN ACCORDANCE WITH THIS SECTION TO BE AT RISK OF COMMITTING A SUBSEQUENT SEXUALLY VIOLENT OFFENSE.

[(5)](12) "Supervising authority" means:

(i) If the [child sexual offender] REGISTRANT is in the custody of a facility operated by the Department of Public Safety and Correctional Services, the Secretary of Public Safety and Correctional Services;

(ii) If the [child sexual offender] REGISTRANT is in the custody of a local or regional detention center, including an offender who is participating in a home detention program, the administrator of the facility;

(iii) [If the child sexual offender] EXCEPT AS PROVIDED IN ITEM (VIII) OF THIS PARAGRAPH, IF THE REGISTRANT is granted probation before judgment, probation after judgment, or a suspended sentence, the court that granted the probation or suspended sentence;

(iv) If the [child sexual offender] REGISTRANT is in the custody of the Patuxent Institution, the Director of the Patuxent Institution;

(v) If the [child sexual offender] REGISTRANT is in the custody of a facility operated by the Department of Health and Mental Hygiene, the Secretary of Health and Mental Hygiene; [or]

(vi) If the [child sexual offender's] REGISTRANT'S sentence does not include a term of imprisonment, the court in which the offender was convicted;

(VII) IF THE OFFENDER IS IN THE STATE UNDER THE TERMS AND CONDITIONS OF THE INTERSTATE COMPACT AGREEMENTS UNDER ARTICLE 41, §§ 4-801 AND 4-1201 THROUGH 4-1211 OF THE CODE, THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES; OR

(VIII) IF THE REGISTRANT IS UNDER THE SUPERVISION OF THE DIVISION OF PAROLE AND PROBATION, THE DIRECTOR OF PAROLE AND PROBATION.

(B) (1) SUBJECT TO PARAGRAPHS (3) AND (4) OF THIS SUBSECTION, IF A PERSON IS CONVICTED OF A SECOND OR SUBSEQUENT SEXUALLY VIOLENT OFFENSE, THE STATE'S ATTORNEY MAY REQUEST THE COURT TO DETERMINE BEFORE SENTENCING 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.