

(IV) IS GRANTED A SUSPENDED SENTENCE; OR

(V) RECEIVES A SENTENCE THAT DOES NOT INCLUDE A TERM OF IMPRISONMENT.

(10) "SEXUALLY VIOLENT OFFENDER" MEANS AN INDIVIDUAL WHO:

(I) HAS BEEN CONVICTED OF A SEXUALLY VIOLENT OFFENSE;

(II) HAS BEEN CONVICTED OF AN ATTEMPT TO COMMIT A SEXUALLY VIOLENT OFFENSE; OR

(III) HAS BEEN CONVICTED IN ANOTHER STATE, OR IN A FEDERAL, MILITARY, OR NATIVE AMERICAN TRIBAL COURT, OF AN OFFENSE THAT, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE A SEXUALLY VIOLENT OFFENSE.

(11) "SEXUALLY VIOLENT OFFENSE" MEANS:

(I) A VIOLATION OF ANY OF THE PROVISIONS OF § 462, § 463, § 464, § 464A, § 464B, OR § 464F OF THIS ARTICLE; OR

(II) ASSAULT WITH INTENT TO COMMIT RAPE IN THE FIRST OR SECOND DEGREE OR A SEXUAL OFFENSE IN THE FIRST OR SECOND DEGREE AS PREVIOUSLY PROSCRIBED UNDER FORMER § 12 OF THIS ARTICLE.

(12) "SEXUALLY VIOLENT PREDATOR" MEANS AN INDIVIDUAL 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.

(13) "SUPERVISING AUTHORITY" MEANS:

(I) IF THE 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 REGISTRANT IS IN THE CUSTODY OF A LOCAL OR REGIONAL DETENTION CENTER, INCLUDING A REGISTRANT WHO IS PARTICIPATING IN A HOME DETENTION PROGRAM, THE ADMINISTRATOR OF THE FACILITY;

(III) EXCEPT AS PROVIDED IN ITEM (XI) 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 REGISTRANT IS IN THE CUSTODY OF THE PATUXENT INSTITUTION, THE DIRECTOR OF THE PATUXENT INSTITUTION;

(V) IF THE REGISTRANT IS IN THE CUSTODY OF A FACILITY OPERATED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, THE SECRETARY OF HEALTH AND MENTAL HYGIENE;