

(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;

(vi) If the registrant's sentence does not include a term of imprisonment, the court in which the registrant was convicted;

(vii) If the registrant is in the State under the terms and conditions of the Uniform Act for Out-of-State Parolee 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, the Secretary of Public Safety and Correctional Services;

(viii) If the registrant moves to this State and was convicted in another state of an offense that would require the individual to register if the offense was committed in this State, the Secretary of Public Safety and Correctional Services;

(ix) If the registrant moves to this State from another state where the individual was required to register, the Secretary of Public Safety and Correctional Services;

(x) If the registrant is not a resident of this State, the Secretary of Public Safety and Correctional Services; or

(xi) 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 an individual is convicted of a second or subsequent sexually violent offense, the State's Attorney may request the court to determine before sentencing whether the individual 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 individual is a sexually violent predator.

(3) In making a determination under paragraph (1) of this subsection, the court shall consider:

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

(ii) Any evidence introduced by the individual convicted; and

(iii) At the request of the State's Attorney, any evidence presented by a victim of the sexually violent offense.

(4) The State's Attorney may not request a court to determine if an individual is a sexually violent predator under this subsection unless the State's Attorney serves written notice of intent to make the request on the defendant or the defendant's lawyer at least 30 days before trial.