

Defined terms: "Correctional facility" § 1-101

"Department" § 1-101

"Local correctional facility" § 1-101

"Secretary" § 1-101

"State" § 1-101

11-702. ELEMENTS OF CONVICTION:

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.

REVISOR'S NOTE: Items (1) and (2) of this section are new language added for clarity.

Items (3) and (4) of this section are new language derived without substantive change from former Art. 27, § 792(a)(3).

In this section, the reference to a "crime" is substituted for the former reference to an "offense" to conform to the terminology used throughout this article.

Defined terms: "Nolo contendere" § 1-101

"Person" § 1-101

11-703. DETERMINATION OF PREDATOR STATUS.

(A) REQUEST FOR DETERMINATION.

(1) SUBJECT TO SUBSECTIONS (B) AND (C) OF THIS SECTION, IF A PERSON IS CONVICTED OF A SUBSEQUENT 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) FACTORS IN DETERMINATION.

IN MAKING A DETERMINATION UNDER SUBSECTION (A) OF THIS SECTION, THE COURT SHALL CONSIDER: