

(As enacted by Chapter 26 (H.B. 11) of the Acts of the General Assembly of 2002)

BY adding to

Article - Criminal Law

Section 3-313

Annotated Code of Maryland

(As enacted by Chapter 26 (H.B. 11) of the Acts of the General Assembly of 2002)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 3-313 through 3-321, respectively, of Article - Criminal Law of the Annotated Code of Maryland be renumbered to be Section(s) 3-314 through 3-322, respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Criminal Law

3-313.

~~(A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, IF A PERSON IS CHARGED WITH A VIOLATION OF §§ 2-303 THROUGH 2-307 OR §§ 2-309 THROUGH 2-312 OF THIS SUBTITLE, THE STATE MAY SEEK A DETERMINATION THAT THE PERSON IS A SEXUAL PREDATOR FOR PURPOSES OF SENTENCING UNDER THIS SECTION.~~

~~(B) (1) IF THE STATE SEEKS A DETERMINATION THAT A PERSON DESCRIBED IN SUBSECTION (A) OF THIS SECTION IS A SEXUAL PREDATOR, AT LEAST 30 DAYS BEFORE TRIAL THE STATE SHALL GIVE WRITTEN NOTICE TO THE DEFENDANT OR THE DEFENDANT'S ATTORNEY THAT THE STATE INTENDS TO SEEK A DETERMINATION THAT THE PERSON IS A SEXUAL PREDATOR AND SUBJECT TO IMPRISONMENT NOT EXCEEDING LIFE.~~

~~(2) IF THE STATE PROVIDES NOTICE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE NOTICE PROVISIONS OF § 11-703 OF THE CRIMINAL PROCEDURE ARTICLE ARE ALSO SATISFIED.~~

~~(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF THE STATE PROVIDES NOTICE UNDER THIS SECTION, A SEPARATE PROCEEDING SHALL BE HELD BEFORE THE SAME TRIER OF FACT THAT TRIED THE ISSUE OF GUILT AS SOON AS PRACTICABLE AFTER A PERSON IS FOUND GUILTY OF A VIOLATION DESCRIBED IN SUBSECTION (A) OF THIS SECTION.~~

~~(2) UNLESS A PERSON WAIVES THE RIGHT TO A JURY, A PROCEEDING UNDER THIS SECTION SHALL BE HELD BEFORE A JURY IMPANELED FOR THE PURPOSE OF DETERMINING WHETHER THE PERSON IS A SEXUAL PREDATOR IF:~~

~~(1) THE PERSON PLEADS GUILTY TO A VIOLATION DESCRIBED IN SUBSECTION (A) OF THIS SECTION; OR~~