

~~(H) AN APPELLATE COURT AFFIRMS THE JUDGMENT OF GUILT BUT REMANDS FOR A NEW PROCEEDING ON THE ISSUE OF WHETHER THE PERSON IS A SEXUAL PREDATOR.~~

~~(D) THE BURDEN OF PROOF IS ON THE STATE TO PROVE BEYOND A REASONABLE DOUBT THAT A PERSON IS A SEXUAL PREDATOR.~~

~~(E) IF THE TRIER OF FACT FINDS THAT THE PERSON IS A SEXUAL PREDATOR, THE COURT MAY SENTENCE THE PERSON TO IMPRISONMENT NOT EXCEEDING LIFE.~~

(A) ON CONVICTION OF A VIOLATION OF § 3-304, § 3-306, § 3-307, § 3-310, OR § 3-312 OF THIS SUBTITLE, A PERSON WHO HAS BEEN CONVICTED ON A PRIOR OCCASION NOT ARISING FROM THE SAME INCIDENT OF ANY VIOLATION OF §§ 3-303 THROUGH 3-306 OF THIS SUBTITLE IS SUBJECT TO IMPRISONMENT NOT EXCEEDING LIFE.

(B) IF THE STATE INTENDS TO PROCEED AGAINST A PERSON UNDER THIS SECTION, IT SHALL COMPLY WITH THE PROCEDURES SET FORTH IN THE MARYLAND RULES FOR THE INDICTMENT AND TRIAL OF A SUBSEQUENT OFFENDER.

~~SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively to crimes committed on or after the effective date of this Act and may not be applied or interpreted to have any effect on or application to any crimes committed before the effective date of this Act.~~

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply to violations of § 3-304, § 3-306, § 3-307, § 3-310, or § 3-312 of the Criminal Law Article committed on or after the effective date of this Act, regardless of whether the prior violation of §§ 3-303 through 3-306 of the Criminal Law Article occurred before or on or after the effective date of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2002.

Approved April 25, 2002.

CHAPTER 267

(House Bill 1148)

AN ACT concerning

Public Service Commission - Enforcement - Cease and Desist Orders

FOR the purpose of authorizing the Public Service Commission to issue certain types of cease and desist orders under certain circumstances; establishing a certain hearing process; providing that a cease and desist order shall be served in a certain manner, be effective under certain situations, and contain certain information; providing guidelines for requests and completion of evidentiary hearings under certain circumstances; authorizing the Commission to issue a