

FOR the purpose of requiring a court, unless there is a certain waiver, before sentencing a certain defendant under certain circumstances, to order that the defendant submit to a presentence investigation conducted by the Division of Parole and Probation and a mental health evaluation conducted by a certain individual employed or engaged by the Department of Health and Mental Hygiene; requiring a court to consider the presentence investigation and mental health evaluation when sentencing the defendant; and generally relating to evaluation and sentencing of sexual offenders.

BY adding to
Article - Criminal Procedure
Section 11-727
Annotated Code of Maryland
(2001 Volume and 2006 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Criminal Procedure

11-727.

(A) UNLESS WAIVED BY THE STATE'S ATTORNEY AND DEFENSE COUNSEL, BEFORE SENTENCING A DEFENDANT WHO ~~HAS BEEN CONVICTED OF A CRIME FOR WHICH THE DEFENDANT~~ IS REQUIRED TO REGISTER UNDER § 11-704 OF THIS SUBTITLE FOR A VIOLATION OF § 3-602 OF THE CRIMINAL LAW ARTICLE, THE COURT SHALL ORDER THE DEFENDANT TO SUBMIT TO:

(1) A PRESENTENCE INVESTIGATION CONDUCTED BY THE DIVISION OF PAROLE AND PROBATION; AND

(2) A MENTAL HEALTH ASSESSMENT, INCLUDING WHETHER THE DEFENDANT IS A DANGER TO SELF OR OTHERS, CONDUCTED BY A QUALIFIED MENTAL HEALTH PROFESSIONAL EMPLOYED OR ENGAGED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

(B) THE COURT SHALL CONSIDER THE PRESENTENCE INVESTIGATION AND MENTAL HEALTH EVALUATION WHEN SENTENCING THE DEFENDANT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2007.

Approved by the Governor, May 17, 2007.