

# HOUSE BILL 48

E2, F1, E4

EMERGENCY BILL  
(PRE-FILED)

11r0361  
CF 11r0364

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By: **Delegates Bhandari and C. Jackson**

Requested: September 2, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Registered Sex Offenders – Entry Onto School Property**

3 FOR the purpose of repealing a certain exception authorizing, under certain circumstances,  
4 a student who is a registered sex offender to enter onto real property used for public  
5 or nonpublic elementary or secondary education; requiring a student who is a  
6 registered sex offender to continue receiving a certain education in a certain manner;  
7 requiring a county board of education to develop and adopt a policy that enables a  
8 student who is a registered sex offender to continue receiving a certain education in  
9 a certain manner; requiring the State Board of Education to develop and adopt  
10 certain guidelines and a certain model policy; defining certain terms; making this  
11 Act an emergency measure; and generally relating to registered sex offenders on  
12 school property.

13 BY repealing and reenacting, with amendments,  
14 Article – Criminal Procedure  
15 Section 11–722  
16 Annotated Code of Maryland  
17 (2018 Replacement Volume and 2020 Supplement)

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

20 **Article – Criminal Procedure**

21 11–722.

22 (a) **(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
23 **INDICATED.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   **(2) “COUNTY BOARD” HAS THE MEANING STATED IN § 1–101 OF THE**  
 2 **EDUCATION ARTICLE.**

3                   **(3) “STATE BOARD” HAS THE MEANING STATED IN § 1–101 OF THE**  
 4 **EDUCATION ARTICLE.**

5           **(B)** This section does not apply to a registrant who enters real property:

6                   (1) where [the registrant is a student or] the registrant’s child is a student  
 7 or receives child care, if:

8                           (i) within the past year the registrant has been given the specific  
 9 written permission of the Superintendent of Schools, the local school board, the principal  
 10 of the school, or the owner or operator of the registered family child care home, licensed  
 11 child care home, or licensed child care institution, as applicable; and

12                           (ii) the registrant promptly notifies an agent or employee of the  
 13 school, home, or institution of the registrant’s presence and purpose of visit; or

14                   (2) for the purpose of voting at a school on an election day in the State if  
 15 the registrant is properly registered to vote and the registrant’s polling place is at the  
 16 school.

17           **[(b)] (C) [A] EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A**  
 18 **registrant may not knowingly enter onto real property:**

19                   (1) that is used for public or nonpublic elementary or secondary education;  
 20 or

21                   (2) on which is located:

22                           (i) a family child care home registered under Title 5, Subtitle 5 of  
 23 the Family Law Article;

24                           (ii) a child care home or a child care institution licensed under Title  
 25 5, Subtitle 5 of the Family Law Article; or

26                           (iii) a home where informal child care, as defined in child care subsidy  
 27 regulations adopted under Title 13A of the Code of Maryland Regulations, is being provided  
 28 or will be provided to a child who does not reside there.

29           **[(c)] (D)** A person who enters into a contract with a county board [of education]  
 30 or a nonpublic school may not knowingly employ an individual to work at a school if the  
 31 individual is a registrant.

32           **(E) (1) A REGISTRANT WHO IS A STUDENT SHALL CONTINUE RECEIVING**

1 AN EDUCATION IN ACCORDANCE WITH STATE LAW BY EITHER:

2 (I) PARTICIPATING IN THE HOME AND HOSPITAL TEACHING  
3 PROGRAM FOR STUDENTS; OR

4 (II) ATTENDING A REGIONAL INSTITUTE FOR CHILDREN AND  
5 ADOLESCENTS.

6 (2) EACH COUNTY BOARD SHALL DEVELOP AND ADOPT A POLICY  
7 THAT ENABLES A REGISTRANT WHO IS A STUDENT TO CONTINUE RECEIVING AN  
8 EDUCATION AS DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

9 (3) THE STATE BOARD SHALL DEVELOP AND ADOPT GUIDELINES AND  
10 A MODEL POLICY TO ASSIST A COUNTY BOARD WITH THE DEVELOPMENT OF A POLICY  
11 UNDER PARAGRAPH (2) OF THIS SUBSECTION.

12 [(d)] (F) A person who violates this section is guilty of a misdemeanor and on  
13 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000  
14 or both.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
16 measure, is necessary for the immediate preservation of the public health or safety, has  
17 been passed by a yea and nay vote supported by three-fifths of all the members elected to  
18 each of the two Houses of the General Assembly, and shall take effect from the date it is  
19 enacted.