

HOUSE BILL 48

E2, F1, E4

EMERGENCY BILL
(PRE-FILED)

11r0361
CF SB 515

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

Requested: September 2, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 26, 2021

CHAPTER _____

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 certain
11 conforming changes; making this Act an emergency measure; and generally relating
12 to registered sex offenders on 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**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 11-722.

2 (a) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (2) "COUNTY BOARD" HAS THE MEANING STATED IN § 1-101 OF THE
5 EDUCATION ARTICLE.

6 (3) "STATE BOARD" HAS THE MEANING STATED IN § 1-101 OF THE
7 EDUCATION ARTICLE.

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

9 (1) where [the registrant is a student or] the registrant's child is a student
10 or receives child care, if:

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

15 (ii) the registrant promptly notifies an agent or employee of the
16 school, home, or institution of the registrant's presence and purpose of visit; or

17 (2) for the purpose of voting at a school on an election day in the State if
18 the registrant is properly registered to vote and the registrant's polling place is at the
19 school.

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

22 (1) that is used for public or nonpublic elementary or secondary education;
23 or

24 (2) on which is located:

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

27 (ii) a child care home or a child care institution licensed under Title
28 5, Subtitle 5 of the Family Law Article; or

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

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

4 **(E) (1) A REGISTRANT WHO IS A STUDENT SHALL CONTINUE RECEIVING**
5 **AN EDUCATION IN ACCORDANCE WITH STATE LAW ~~BY EITHER:~~**

6 ~~(I) PARTICIPATING IN THE HOME AND HOSPITAL TEACHING~~
7 ~~PROGRAM FOR STUDENTS; OR~~

8 ~~(II) ATTENDING A REGIONAL INSTITUTE FOR CHILDREN AND~~
9 ~~ADOLESCENTS IN ANY OF THE FOLLOWING LOCATIONS:~~

10 (I) A LOCATION OTHER THAN REAL PROPERTY THAT IS USED
11 FOR PUBLIC OR NONPUBLIC ELEMENTARY OR SECONDARY EDUCATION, INCLUDING
12 BY:

13 1. PARTICIPATING IN THE HOME AND HOSPITAL
14 TEACHING PROGRAM FOR STUDENTS; OR

15 2. PARTICIPATING IN OR ATTENDING A PROGRAM
16 APPROVED BY A COUNTY BOARD UNDER PARAGRAPH (2) OF THIS SUBSECTION; OR

17 (II) A REGIONAL INSTITUTE FOR CHILDREN AND
18 ADOLESCENTS.

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

22 **(3) THE STATE BOARD SHALL DEVELOP AND ADOPT GUIDELINES AND**
23 **A MODEL POLICY TO ASSIST A COUNTY BOARD WITH THE DEVELOPMENT OF A POLICY**
24 **UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

25 ~~[(d)] (F)~~ A person who violates SUBSECTION (C) OR (D) OF this section is guilty
26 of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a
27 fine not exceeding \$5,000 or both.

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