

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 948
Judiciary

(Delegate Shoemaker, *et al.*)

Sex Offenders - Informal Child Care Services - Prohibition

This bill generally prohibits a registrant on the State sex offender registry from providing informal child care to a child who does not reside with the registrant. A registrant may provide informal child care to a child who does not reside with the registrant if (1) the registrant promptly notifies the parent or guardian of the child that the registrant is required to register on the registry and (2) the registrant has been given specific written permission by the parent or guardian to provide informal child care to the child. Existing penalties regarding registrants who knowingly enter onto property on which child care is being provided are made applicable to a violation of the bill's provisions.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the application of existing penalty provisions. Enforcement can be handled with existing resources.

Local Effect: Potential minimal increase in local revenues and expenditures due to the application of existing penalty provisions. Enforcement can be handled with existing resources.

Small Business Effect: Minimal.

Analysis

Current Law: Generally, a person convicted of a sex crime or other specified crime in Maryland, including kidnapping and false imprisonment under specified circumstances, is required to register with the State sex offender registry upon release from prison or release

from court if the person does not receive a prison sentence. Offenders who are required to register in other states and who come to Maryland are required to register upon entering Maryland. Offenders from other states who may not be required to register in their home state are required to register in Maryland if the crime would have required registration in Maryland if committed in Maryland. The registry is maintained by the Department of Public Safety and Correctional Services.

Unless otherwise specified in statute, a registrant may not knowingly enter onto real property (1) that is used for public or nonpublic elementary or secondary education or (2) on which a registered family child care home, a licensed child care home or child care institution, or a home used for informal child care is located. A violator is guilty of a misdemeanor and subject to maximum penalties of five years imprisonment and/or a \$5,000 fine.

The prohibition does not apply if the registrant is a parent of a student, or parent of a child that receives child care, if (1) within the past year the registrant has been given the specific written permission of the Superintendent of Schools, the local school board, the principal of the school, or the owner or operator of the registered family child care home, licensed child care home, or licensed child care institution, as applicable and (2) the registrant promptly notifies an agent or employee of the school, home, or institution of the registrant's presence and purpose of visit. The prohibition also does not apply for the purpose of voting at a school on Election Day if the registrant is properly registered to vote and the registrant's polling place is at the school.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Baltimore, Charles, and Montgomery counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Public Safety and Correctional Services; Department of Legislative Services

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