

SENATE BILL 1145

F1, E2

4lr3441
CF HB 1493

By: **Senators Salling, Bailey, Carozza, Corderman, Folden, Gallion, Jennings, McKay, Ready, and West**

Introduced and read first time: February 10, 2024

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Public and Nonpublic Schools – Child Sex Offenders – Prohibition on In–Person**
3 **Attendance**

4 FOR the purpose of prohibiting a child from in–person attendance at a public school or a
5 nonpublic school that receives State funds if the child has been convicted or
6 adjudicated delinquent of certain offenses; requiring each local school system to
7 provide alternative educational options for children prohibited from in–person
8 attendance in a certain manner; and generally relating to the prohibition of in–school
9 attendance by children convicted or adjudicated delinquent of certain offenses.

10 BY repealing and reenacting, without amendments,
11 Article – Criminal Procedure
12 Section 11–722(e)
13 Annotated Code of Maryland
14 (2018 Replacement Volume and 2023 Supplement)

15 BY adding to
16 Article – Education
17 Section 7–312
18 Annotated Code of Maryland
19 (2022 Replacement Volume and 2023 Supplement)

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

22 **Article – Criminal Procedure**

23 11–722.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (e) (1) A registrant who is a student may receive an education in accordance
2 with State law in any of the following locations:

3 (i) a location other than a public or nonpublic elementary or
4 secondary school, including by:

5 1. participating in the Home and Hospital Teaching Program
6 for Students; or

7 2. participating in or attending a program approved by a
8 county board under paragraph (2) of this subsection;

9 (ii) a Regional Institute for Children and Adolescents; or

10 (iii) a nonpublic educational program as provided by § 8–406 of the
11 Education Article if:

12 1. the registrant has notified an agent or employee of the
13 nonpublic educational program that the registrant is required to register under this
14 subtitle; and

15 2. the registrant has been given specific written permission
16 by an agent or employee of the nonpublic educational program to attend the nonpublic
17 educational program.

18 (2) Each county board shall develop and adopt a policy that enables a
19 registrant who is a student to receive an education as described under paragraph (1) of this
20 subsection.

21 (3) The State Board shall develop and adopt guidelines and a model policy
22 to assist a county board with the development of a policy under paragraph (2) of this
23 subsection.

24 Article – Education

25 7–312.

26 (A) IF A CHILD HAS BEEN CONVICTED OR ADJUDICATED DELINQUENT OF
27 RAPE OR A SEXUAL OFFENSE THAT, IF COMMITTED BY AN ADULT, WOULD
28 CONSTITUTE A FELONY, THE CHILD IS PROHIBITED FROM IN–PERSON ATTENDANCE
29 AT A PUBLIC SCHOOL OR A NONPUBLIC SCHOOL THAT RECEIVES STATE FUNDS.

30 (B) (1) EACH LOCAL SCHOOL SYSTEM SHALL PROVIDE ALTERNATIVE
31 EDUCATIONAL OPTIONS FOR CHILDREN PROHIBITED FROM IN–PERSON
32 ATTENDANCE UNDER SUBSECTION (A) OF THIS SECTION.

1 **(2) THE ALTERNATIVE EDUCATIONAL OPTIONS PROVIDED UNDER**
2 **THIS SUBSECTION SHALL ALIGN WITH THE REQUIRED POLICY ADOPTED BY COUNTY**
3 **BOARDS UNDER § 11-722(E) OF THE CRIMINAL PROCEDURE ARTICLE.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
5 1, 2024.