

HOUSE BILL 1638

E2, F1, E4

EMERGENCY BILL

0lr3641
CF SB 1052

By: **Delegates Boteler, Bhandari, Forbes, Guyton, C. Jackson, and Mangione**

Introduced and read first time: February 24, 2020

Assigned to: Rules and Executive Nominations

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 county board of
6 education to develop and adopt a policy that enables a student who is a registered
7 sex offender to continue receiving a certain education in a certain location; requiring
8 the State Board of Education to develop and adopt certain guidelines and a certain
9 model policy; defining certain terms; making this Act an emergency measure; and
10 generally relating to registered sex offenders on school property.

11 BY repealing and reenacting, with amendments,
12 Article – Criminal Procedure
13 Section 11–722
14 Annotated Code of Maryland
15 (2018 Replacement Volume and 2019 Supplement)

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

18 **Article – Criminal Procedure**

19 11–722.

20 (a) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

(i) 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

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

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

[(b)] (C) 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 is located:

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

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

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

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

(E) (1) EACH COUNTY BOARD SHALL DEVELOP AND ADOPT A POLICY THAT ENABLES A REGISTRANT WHO IS A STUDENT TO CONTINUE RECEIVING AN EDUCATION IN ACCORDANCE WITH STATE LAW IN A LOCATION OTHER THAN REAL PROPERTY THAT IS USED FOR PUBLIC OR NONPUBLIC ELEMENTARY OR SECONDARY EDUCATION.

1 **(2) THE STATE BOARD SHALL DEVELOP AND ADOPT GUIDELINES AND**
2 **A MODEL POLICY TO ASSIST A COUNTY BOARD WITH THE DEVELOPMENT OF A POLICY**
3 **UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

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

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