

HOUSE BILL 442

D4

3lr2616
CF 3lr1008

By: **Delegate Dumais**

Introduced and read first time: January 28, 2013

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal History Records Checks – Child Care Providers**

3 FOR the purpose of requiring the Department of Public Safety and Correctional
4 Services to transmit weekly a certain registry and a certain listing to the State
5 Department of Education in a certain format; prohibiting a registered sex
6 offender from entering onto certain real property on which a home is located
7 where certain informal child care is provided or will be provided; requiring
8 certain adults known by the State Department of Education to be residing in
9 certain locations to obtain a certain criminal history records check; requiring an
10 adult known to be residing in an informal child care provider's home to obtain a
11 criminal history records check; requiring certain informal child care providers to
12 obtain a criminal history records check; requiring the State Department of
13 Education to conduct a certain cross-reference; providing for a delayed effective
14 date; and generally relating to criminal history records checks of individuals
15 who care for or supervise children.

16 BY repealing and reenacting, with amendments,
17 Article – Criminal Procedure
18 Section 11–713 and 11–722
19 Annotated Code of Maryland
20 (2008 Replacement Volume and 2012 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Family Law
23 Section 5–561(c)
24 Annotated Code of Maryland
25 (2012 Replacement Volume)

26 BY adding to
27 Article – Family Law
28 Section 5–564.1

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2012 Replacement Volume)

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

5 **Article – Criminal Procedure**

6 11–713.

7 The Department:

8 (1) as soon as possible but not later than 3 working days after
9 receiving the conviction data and fingerprints of a registrant, shall transmit the data
10 and fingerprints to the Federal Bureau of Investigation if the Bureau does not have
11 that information;

12 (2) shall keep a central registry of registrants and a listing of juvenile
13 sex offenders;

14 **(3) SHALL WEEKLY TRANSMIT THE CENTRAL REGISTRY OF**
15 **REGISTRANTS AND LISTING OF JUVENILE SEX OFFENDERS TO THE STATE**
16 **DEPARTMENT OF EDUCATION IN A FORMAT THAT CAN BE USED BY THE STATE**
17 **SUPERINTENDENT TO CROSS-REFERENCE WITH THE DATABASE OF LICENSED**
18 **CHILD CARE CENTERS, REGISTERED FAMILY CHILD CARE HOMES, AND**
19 **APPROVED CHILD CARE SUBSIDY PROGRAM INFORMAL PROVIDERS;**

20 **[(3)] (4)** shall reimburse local law enforcement units for the cost of
21 processing the registration statements of registrants, including the cost of taking
22 fingerprints, palm prints, and digital images;

23 **[(4)] (5)** shall reimburse local law enforcement units for the
24 reasonable costs of implementing community notification procedures;

25 **[(5)] (6)** shall be responsible for receiving and distributing all
26 intrastate, federal, and foreign government communications relating to the
27 registration of sex offenders; and

28 **[(6)] (7)** shall notify all jurisdictions where the registrant will reside,
29 carry on employment, or attend school within 3 days of changes in the registrant's
30 registration.

31 11–722.

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

1 (1) where the registrant is a student or the registrant's child is a
2 student or receives child care, if:

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

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

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

12 (b) A registrant may not knowingly enter onto real property:

13 (1) that is used for public or nonpublic elementary or secondary
14 education; or

15 (2) on which is located:

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

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

20 **(III) A HOME WHERE INFORMAL CHILD CARE, AS DEFINED IN**
21 **CHILD CARE SUBSIDY REGULATIONS ADOPTED UNDER TITLE 13A OF THE CODE**
22 **OF MARYLAND REGULATIONS, IS BEING PROVIDED OR WILL BE PROVIDED TO A**
23 **CHILD WHO DOES NOT RESIDE THERE.**

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

27 (d) A person who violates this section is guilty of a misdemeanor and on
28 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding
29 \$5,000 or both.

30 **Article – Family Law**

31 5-561.

1 (c) The following individuals shall obtain a criminal history records check
2 under this Part VI of this subtitle:

3 (1) an individual who is seeking to adopt a child through a child
4 placement agency;

5 (2) an individual who is seeking to become a guardian through a local
6 department;

7 (3) an individual whom the juvenile court appoints as a guardian of a
8 child;

9 (4) an adult relative with whom a child, committed to a local
10 department, is placed by the local department;

11 (5) any adult known by a local department **OR THE STATE**
12 **DEPARTMENT OF EDUCATION** to be residing in:

13 (i) a family child care home or large family child care home
14 required to be registered under this title;

15 **(ii) A HOME WHERE INFORMAL CHILD CARE, AS DEFINED IN**
16 **CHILD CARE SUBSIDY REGULATIONS ADOPTED UNDER TITLE 13A OF THE CODE**
17 **OF MARYLAND REGULATIONS, IS BEING PROVIDED OR WILL BE PROVIDED TO A**
18 **CHILD WHO DOES NOT RESIDE THERE;**

19 **[(ii)] (iii)** a home of an adult relative of a child with whom the
20 child, committed to a local department, is placed by the local department;

21 **[(iii)] (iv)** a foster care home or child care home required to be
22 approved under this title;

23 **[(iv)] (v)** a home of an individual seeking to adopt a child
24 through a child placement agency; or

25 **[(v)] (vi)** a home of an individual seeking to become a guardian
26 through a local department; **[and]**

27 **(6) AN INDIVIDUAL WHO AGREES TO PROVIDE, OR TO CONTINUE**
28 **PROVIDING, INFORMAL CHILD CARE, AS DEFINED IN CHILD CARE SUBSIDY**
29 **REGULATIONS, ADOPTED UNDER TITLE 13A OF THE CODE OF MARYLAND**
30 **REGULATIONS; AND**

31 **[(6)] (7)** if requested by a local department:

1 (i) a parent or guardian of a child who is committed to the local
2 department and is or has been placed in an out-of-home placement within the past
3 year; and

4 (ii) any adult known by the local department to be residing in
5 the home of the parent or guardian.

6 **5-564.1.**

7 **THE STATE DEPARTMENT OF EDUCATION SHALL CONDUCT A**
8 **CROSS-REFERENCE CHECK OF AN EMPLOYEE, EMPLOYER, OR INDIVIDUAL**
9 **IDENTIFIED IN § 5-561(B)(1), (B)(2), (C)(5)(I), (C)(5)(II), AND (C)(6) OF THIS**
10 **SUBTITLE, INCLUDING CROSS-REFERENCING THE INDIVIDUAL AND THE**
11 **INDIVIDUAL'S ADDRESS, WITH THE CENTRAL REGISTRY OF REGISTRANTS AND**
12 **LISTING OF JUVENILE SEX OFFENDERS TRANSMITTED WEEKLY BY THE**
13 **DEPARTMENT UNDER § 11-713 OF THE CRIMINAL PROCEDURE ARTICLE.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 January 1, 2014.