

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 1403
Judiciary

(Delegate Carter)

Criminal Procedure - Sex Offender - Entry Restrictions

This bill specifies that a current law restriction against a registered sex offender entering a school or day care property does not apply if the registrant's ward is a student or receives child care, under certain circumstances. The bill similarly allows a registrant to enter such property for the purpose of attending or participating in worship or other activity sponsored by a house of worship if, within the past year, the registrant has been given the specific written permission of the senior church leadership and the registrant promptly notifies an agent or employee of the school, home, or institution of the registrant's presence and the purpose of the visit.

Fiscal Summary

State Effect: None. The bill's exceptions to a current law prohibition should not affect State operations or finances.

Local Effect: None. The bill's exceptions to a current law prohibition should not affect local government operations or finances.

Small Business Effect: Minimal or none.

Analysis

Current Law: Registered sex offenders may not knowingly enter onto real property that is used for public or nonpublic elementary or secondary education or where a State-registered/licensed family day care home, child care home, or child care institution is located. The prohibition, however, does not apply to a registrant who enters real property:

- where the registrant is a student or the registrant's child is a student or 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; or
- 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.

A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for five years and/or a fine of \$5,000.

Additional Information

Prior Introductions: None.

Cross File: SB 635 (Senator Gladden) - Judicial Proceedings.

Information Source(s): Baltimore, Carroll, Cecil, Harford, Montgomery, Queen Anne's, and St. Mary's counties; Town of Bel Air; Town of Leonardtown; City of Salisbury; Department of Public Safety and Correctional Services; Department of Legislative Services

Fiscal Note History: First Reader - March 8, 2013
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