SENATE BILL 508

E4, O4, F1 5lr1543 CF 5lr1483

By: Senators Hough, Cassilly, King, Lee, Ramirez, Raskin, Waugh, and Ready Introduced and read first time: February 6, 2015
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

Contractors and Subcontractors

2	Children - Child Care Facilities,	Public Schools, and Non	public Schools

4 FOR the purpose of prohibiting certain county boards of education and certain nonpublic 5 schools from allowing certain individuals to hire or retain certain individuals who 6 have been convicted of certain crimes; adding certain contractors and subcontractors 7 who have certain access to certain children to the list of individuals required to 8 obtain a certain criminal history records check; amending a certain definition of 9 "employee" to include certain contractors and subcontractors who have certain access to certain children; making certain stylistic changes; and generally relating to 10 11 contractors and subcontractors who work with or have access to children.

- 12 BY repealing and reenacting, with amendments,
- 13 Article Education

AN ACT concerning

- 14 Section 2–206.1 and 6–113
- 15 Annotated Code of Maryland
- 16 (2014 Replacement Volume and 2014 Supplement)
- 17 BY repealing and reenacting, without amendments,
- 18 Article Family Law
- 19 Section 5–560(a) and (d) and 5–561(b)
- 20 Annotated Code of Maryland
- 21 (2012 Replacement Volume and 2014 Supplement)
- 22 BY adding to

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- 23 Article Family Law
- 24 Section 5–561(a)
- 25 Annotated Code of Maryland
- 26 (2012 Replacement Volume and 2014 Supplement)
- 27 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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	SENATE BILL 908		
Article – Family Law Section 5–561(a) Annotated Code of Maryland (2012 Replacement Volume and 2014 Supplement)			
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:			
	Article – Education		
2-206.1.			
who works	RACTOR FOR THE NONPUBLIC SCHOOL TO HIRE OR RETAIN AN INDIVIDUAL with or has access to students and who the school knows has been convicted of		
	(1) An offense under § 3–307 of the Criminal Law Article;		
	(2) Child sexual abuse under § 3–602 of the Criminal Law Article, or an der the laws of another state that would constitute child sexual abuse under § and Criminal Law Article if committed in this State; or		
	(3) A crime of violence as defined in § 14–101 of the Criminal Law Article, se under the laws of another state that would be a violation of § 14–101 of the Law Article if committed in this State.		
(b) approval o	The State Board shall revoke the certificate of approval or letter of tentative f a nonpublic school that violates this section.		
6–113.			
CONTRAC'	unty board may not knowingly hire or retain [any] AN individual OR ALLOW A TOR OR SUBCONTRACTOR FOR THE LOCAL SCHOOL SYSTEM TO LY HIRE OR RETAIN AN INDIVIDUAL who has been convicted of a crime		
	(1) An offense under § 3–307 of the Criminal Law Article;		
	offense und 3–602 of the or an offen Criminal L. (b) approval of 6–113. A co CONTRACT KNOWING		

Child sexual abuse under § 3-602 of the Criminal Law Article, or an

offense under the laws of another state that would constitute child sexual abuse under §

3-602 of the Criminal Law Article if committed in this State; or

1 A crime of violence as defined in § 14–101 of the Criminal Law Article, (3)2 or an offense under the laws of another state that would be a violation of § 14–101 of the 3 Criminal Law Article if committed in this State. Article - Family Law 4 5 5-560.6 In this Part VI of this subtitle the following words have the meanings (a) 7 indicated. "Employee" means a person that for compensation is employed to work 8 (d) 9 in a facility identified in § 5–561 of this subtitle and who: 10 (i) cares for or supervises children in the facility; or 11 (ii) has access to children who are cared for or supervised in the 12facility. "Employee" includes a person who: 13 (2) 14 (i) participates in a pool described in subsection (e)(2) of this section; 15 for compensation will be employed on a substitute or temporary 16 basis to work in a facility identified in § 5–561(b)(1) or (2) of this subtitle; and 17 will care for or supervise children in the facility or will have (iii) 18 access to children who are cared for or supervised in the facility. 19 (3)"Employee" does not include any person employed to work for 20compensation by the Department of Juvenile Services. 21 5-561. IN THIS SECTION, "EMPLOYEE" HAS THE MEANING STATED IN § 22 (A) **(1)** 5-560 OF THIS SUBTITLE. 23 "EMPLOYEE" INCLUDES A CONTRACTOR OR A SUBCONTRACTOR 24**(2)** WHO HAS DIRECT, UNSUPERVISED, AND UNCONTROLLED ACCESS TO CHILDREN. 2526 [(a)] (A-1) Notwithstanding any provision of law to the contrary, an employee and 27 employer in a facility identified in subsection (b) of this section and individuals identified 28in subsection (c) of this section shall apply for a national and State criminal history records 29 check at any designated law enforcement office in this State or other location approved by

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the Department.

- 1 (b) The following facilities shall require employees and employers to obtain a 2 criminal history records check under this Part VI of this subtitle:
- 3 (1) a child care center required to be licensed under Part VII of this 4 subtitle;
- 5 (2) a family child care home or large family child care home required to be 6 registered under Part V of this subtitle;
- 7 (3) a child care home required to be licensed under this subtitle or under 8 Title 9 of the Human Services Article;
- 9 (4) a child care institution required to be licensed under this subtitle or 10 under Title 9 of the Human Services Article;
- 11 (5) a juvenile detention, correction, or treatment facility provided for in 12 Title 9 of the Human Services Article;
- 13 (6) a public school as defined in Title 1 of the Education Article;
- 14 (7) a private or nonpublic school required to report annually to the State 15 Board of Education under Title 2 of the Education Article;
- 16 (8) a foster care family home or group facility as defined under this subtitle;
- 17 (9) a recreation center or recreation program operated by the State, a local government, or a private entity primarily serving minors;
- 19 (10) a day or residential camp, as defined in Title 10, Subtitle 16 of the Code of Maryland Regulations, primarily serving minors; or
- 21 (11) a home health agency or residential service agency licensed by the 22 Department of Health and Mental Hygiene and authorized under Title 19 of the Health – 23 General Article to provide home—or community—based health services for minors.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.