

BaltimoreCounty_FAV_SB1052

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BILL NO.: SB 1052

TITLE: Criminal Procedure – Registered Sex Offenders – Entry onto School Property

SPONSOR: Senator Klausmeier

COMMITTEE: Judicial Proceedings

POSITION: **SUPPORT**

DATE: March 12, 2020

Baltimore County **SUPPORTS** Senate Bill 1052 – Criminal Procedure – Registered Sex Offenders – Entry onto School Property, which would repeal an exception authorizing that under certain circumstances a student who is a registered sex offender can enter a property authorized for public or nonpublic elementary or secondary education. Additionally, the State Board of Education would be obligated to adopt guidelines and a model policy.

School is perhaps the most important part of a young person’s life. It is where they study, make friends, and learn critical life skills. To have these crucial experiences, however, students need to feel safe. SB 1052 seeks to make sure that students attending school in Baltimore County do not have to worry about assault or abuse when they are playing soccer or studying Algebra, and provides an added level of comfort to parents and school staff.

Accordingly, Baltimore County requests a **FAVORABLE** report on SB 1052. For more information, please contact Chuck Conner, Chief Legislative Officer, 443-900-6582.

GOV_FAV_SB 1052

Uploaded by: Mitchell, Keiffer

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TTY USERS CALL VIA MD RELAY

The Honorable William C. Smith, Jr.
Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, MD 21401

Senate Bill 1052 - Criminal Procedure - Registered Sex Offenders - Entry Onto School Property

POSITION: SUPPORT

Dear Chairman Smith, Vice-Chairman Waldstreicher, and Members of the Judicial Proceedings Committee:

The Administration strongly supports Senate Bill 1052 - Criminal Procedure - Registered Sex Offenders - Entry Onto School Property, legislation which prohibits students who are registered sex offenders from entering school property. Each county board must develop and adopt a policy to enable students who are registered sex offenders to continue receiving an education in a location other than real property that is used for public or nonpublic elementary or secondary education.

Under current law, students who are registered sex offenders can enroll and attend school if they receive specific written permission. This policy has failed Maryland's students. We are all aware of the horrific, recent incident where a registered sex offender was enrolled at Parkville High School after pleading guilty to second-degree assault and a fourth-degree sex offense. The 21-year-old former student is now facing charges of second-degree rape and two additional counts of a sexual offense and assault. The alleged victim was a 15-year-old student.

Individuals convicted of a sexual offense are required to register with the Sex Offender Registry. The term and type of registration depends on the crime, the age of the victim, and the date on which the offense was committed.

Students deserve to feel and be safe in their schools. Sex offenders do not belong in our schools. Senate Bill 1052 will help protect Maryland's students from proven sex offenders. For these reasons, the Administration strongly urges a favorable report on Senate Bill 1052.

Sincerely,

Keiffer Mitchell
Chief Legislative Officer



FAIR_UNF_SB1052

Uploaded by: Jones, Brenda

Position: UNF

Unfavorable Response to SB1052 Criminal Procedure – Registered Sex Offenders – Entry Onto School Property

Families Advocating Intelligent Registries (FAIR) seeks rational, constitutional sexual offense laws and policies for persons accused and convicted of sexual offenses. We have serious reservations about SB1052, as it would run afoul of existing legal and constitutional standards and might create an unnecessary barrier to a child's educational and emotional development.

At present, Crim Procedure §11-722 restricts registered persons from entering primary and secondary school property and child care facilities. Exceptions are made for registrants who are students, or are parents of students who have received permission (renewed-yearly) from the Superintendent of Schools, the local school board, the school principal, or the owner or operator of the child care facility. These registrants must identify themselves upon arrival. Registrants are also exempted in order to vote.

The system we have in place presently allows for a case-by-case review of each child's unique circumstances. For every schoolchild with behavioral, emotional, or educational challenges, the school sets up an individualized education plan, then monitors the situation and makes adjustments throughout the year to assure the success of the student and the safety of other students in the school, should that be an issue. Where necessary, the student can be removed to a separate school with additional resources, or removed entirely should the circumstances warrant.

Offering a separate educational option for a registered child harkens back to *Plessy vs. Ferguson's* decision. **Separate but equal is inherently NOT equal.** With its "separate but equal" language, this bill would force these kids to utilize alternative schooling options. The current process allows for an appeal by the student or parents, and can continue to be adjusted to be more or less restrictive as the school system deems necessary. But with this law change, there would be **no due process** option.

Remember also that a child could still be registered well after their supervision is done. To force that child out of school under those circumstances by immediately applying this law would be **retroactive punishment** and successfully challenged in court.

ALL known studies will tell you that (1) all children, including teens, benefit from being part of a supportive community, and (2) they generally respond very well to treatment when there are behavioral and social adjustments to be made. **Forcibly isolating a child from his or her peers when there has been no further misbehavior is exactly the WRONG thing to do to assure that child's success as an adult.**

There are times when a child must be removed for that child's safety or the safety of others. In the situation that inspired this bill, the teen should have been removed, or

moved to an alternative schooling option, and that did not happen. Still in spite of occasional unfortunate errors, **Maryland's existing law and practice is quite adequate** to manage the children who are on our registry, if the law and practice is followed correctly. It allows for responsible, individualized decisions regarding each child and teen's attendance at a primary or secondary school. For this reason, we urge an unfavorable response to SB1052.

Sincerely,

A handwritten signature in cursive script that reads "Brenda V. Jones". The signature is fluid and includes a long, sweeping horizontal flourish at the end.

Brenda V. Jones, Executive Director
Families Advocating Intelligent Registries
Cell: 301-318-8964