

Department of Legislative Services  
Maryland General Assembly  
2024 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

Senate Bill 1145

(Senator Salling, *et al.*)

Judicial Proceedings

Ways and Means and Judiciary

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**Public and Nonpublic Schools - Child Sex Offenders - Prohibition on In-Person Attendance**

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This bill prohibits a child who has been convicted or adjudicated delinquent of rape or a sexual offense – that, if committed by an adult, would constitute a felony – from in-person attendance at a public school or nonpublic school that receives State funds. Each local school system must provide alternative educational options for affected students that align with existing law governing the schooling of school-aged children who are registered sex offenders. The bill also adds felony third degree sexual offenses to the definition of “reportable offense” in current law, and it corrects an erroneous cross reference in current law. **The bill takes effect July 1, 2024.**

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**Fiscal Summary**

**State Effect:** None. The Maryland State Department of Education can adjust existing policies and regulations with existing resource. No effect on revenues.

**Local Effect:** None. Local school systems can serve affected students in existing programs for registered sex offenders and other students requiring out-of-school instruction. No effect on revenues.

**Small Business Effect:** None.

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## Analysis

### Current Law:

#### *Registration of Sex Offenders*

Generally, a person convicted of a sex crime or other specified crime in Maryland, including kidnapping and false imprisonment under specified circumstances, is required to register with the State sex offender registry upon release from prison or release from court if the person did not receive a prison sentence. Offenders who are required to register in other states and who come to Maryland are required to register upon entering Maryland. Offenders from other states who may not be required to register in the home state are required to register in Maryland if the crime would have required registration in Maryland if committed in Maryland. The registry is maintained by the Department of Public Safety and Correctional Services.

Generally, a sex offender must register with the appropriate supervising authority in the State prior to the registrant's release from incarceration or within three days of the date the registrant is granted probation before or after judgment, a suspended sentence, or a sentence that does not include a term of imprisonment. If the sex offender moves into the State, the registrant must register within three days of the date the registrant establishes residence in the State, begins to habitually live in the State, or applies for a driver's license in the State. If the registrant is not a resident, the registrant must register within three days after the registrant begins employment in the State, registers as a student in the State, or enters the State as a transient.

A sex offender must also register in person with the local law enforcement unit of each county where the sex offender resides within three days of (1) release from any period of imprisonment or arrest or (2) registering with the supervising authority, if the registrant is moving into the State and the local law enforcement unit is not the supervising authority.

#### *Education of Registered Sex Offenders*

Registered sex offenders who are students may receive an education in any of the following locations:

- a location other than a public or nonpublic elementary or secondary school by participating in (1) a Home and Hospital Teaching Program for Students or (2) a program approved by the local school board, as specified;
- a Regional Institute for Children and Adolescents; or
- a nonpublic educational program, as specified.

Each local school board must develop and adopt a policy that enables a registered sex offender who is a student to receive an education. The State Board of Education (SBE) must develop and adopt guidelines and a model policy to assist local school boards with the development of their respective policies.

### *Home and Hospital Instruction*

Under State regulations, local school systems must make instructional services available to students who are unable to participate in their school due to a physical or emotional condition, including but not limited to kidney failure, cancer, asthma, cystic fibrosis, sickle cell anemia, depression, and bipolar disorder. Instructional services must be available to all students during convalescence or treatment time in a medical institution or therapeutic treatment center and at the student's place of residence. Each local school system must determine the manner in which instructional services are delivered, develop safety procedures, and develop a review process to resolve any disagreement that arises. Instructional services must be delivered by an individual with at least a bachelor's degree. Regulations further specify options for the delivery of instruction and requirements for the duration of instruction.

### *Reportable Offenses*

When a student is arrested for a "reportable offense" or an offense related to the student's membership in a criminal organization, the law enforcement agency making the arrest *must* notify (1) the local superintendent; (2) the school principal; and (3) if appropriate, the school security officer. The law enforcement agency *may* also notify the State's Attorney.

A reportable offense is an offense that (1) occurred off school premises; (2) did not occur at an event sponsored by the school; and (3) includes a crime of violence, as specified in current law, and numerous other specified weapons-, drug-, assault-, and theft-related offenses. If a student is removed or excluded from the student's regular school for a reportable offense, the student's attorney (if applicable) must be invited to participate in a conference between the student or the student's parent or guardian and the principal or county superintendent.

Except by order of a juvenile court with good cause shown, information about a student's arrest is confidential and may not be redisclosed, except as specified, and may not be part of the student's permanent educational record. A superintendent may share the information as part of a confidential file with another superintendent or a nonpublic school in the State in which the student has enrolled. The information shared must include information regarding any educational programming and related services provided to the student. SBE is required to adopt regulations to ensure that information obtained by local superintendents, principals, or school security officers is used only for specified

educational purposes and is destroyed when the student graduates, otherwise permanently leaves school, or turns 22 years old, whichever comes first.

**Additional Comments:** To the extent that the bill may be in conflict with the federal Individuals with Disabilities Education Act, it may result in litigation involving local school systems and/or the State. As any such effects are speculative, any costs associated with such litigation are not reflected in this analysis.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years

**Designated Cross File:** HB 1493 (Delegate Mangione, *et al.*) - Rules and Executive Nominations.

**Information Source(s):** Anne Arundel County Public Schools; Baltimore City Public Schools; Montgomery County Public Schools; Maryland Center for School Safety; Maryland State Department of Education; Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services; Department of Legislative Services

**Fiscal Note History:** First Reader - March 12, 2024  
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