
**By: Delegates E. Burns, Slade, Wood, M. Burns, Hutchins, Parker, Nathan-Pulliam,
V. Mitchell, Exum, O'Donnell, Branch, and C. Mitchell**

Introduced and read first time: January 27, 1997

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **School Age Children - Daytime Curfew**

3 FOR the purpose of prohibiting a school age child from being in a public place during
4 regular school hours on a day on which the school age child is required to be in
5 school; prohibiting a parent or person who has legal custody or care and control of
6 a school age child from knowingly permitting or, by insufficient control, allowing
7 that school age child to be in a public place during regular school hours on a day on
8 which the school age child is required to be in school; specifying certain exceptions;
9 requiring a police officer who finds a school age child in violation of this Act to
10 follow certain procedures; providing a penalty for the violation of this Act; defining
11 a certain term; and generally relating to a daytime curfew for school age children.

12 BY adding to

13 Article - Education
14 Section 7-301.1
15 Annotated Code of Maryland
16 (1997 Replacement Volume)

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

19 **Article - Education**

20 7-301.1.

21 (A) IN THIS SECTION, "SCHOOL AGE CHILD" MEANS A CHILD WHO IS 5 YEARS
22 OLD OR OLDER AND UNDER 16 YEARS.

23 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION:

24 (1) A SCHOOL AGE CHILD MAY NOT BE IN A PUBLIC PLACE DURING
25 REGULAR SCHOOL HOURS ON A DAY ON WHICH THE SCHOOL AGE CHILD IS
26 REQUIRED TO BE IN SCHOOL; AND

27 (2) A PARENT OR PERSON WHO HAS LEGAL CUSTODY OR CARE AND
28 CONTROL OF A SCHOOL AGE CHILD MAY NOT KNOWINGLY PERMIT OR, BY
29 INSUFFICIENT CONTROL, ALLOW THAT SCHOOL AGE CHILD TO BE IN A PUBLIC

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1 PLACE DURING REGULAR SCHOOL HOURS ON A DAY ON WHICH THE SCHOOL AGE
2 CHILD IS REQUIRED TO BE IN SCHOOL.

3 (C) THIS SECTION DOES NOT APPLY TO A SCHOOL AGE CHILD WHO:

4 (1) IS ACCOMPANIED BY A PARENT OR PERSON WHO HAS LEGAL
5 CUSTODY OR CARE AND CONTROL OF THE SCHOOL AGE CHILD;

6 (2) POSSESSES WRITTEN PROOF OF AN EXCUSED ABSENCE ISSUED BY:

7 (I) A COUNTY SUPERINTENDENT, SCHOOL PRINCIPAL, OR
8 INDIVIDUAL AUTHORIZED BY THE COUNTY SUPERINTENDENT OR PRINCIPAL TO
9 GRANT EXCUSED ABSENCES; OR

10 (II) THE PARENT OR PERSON WHO HAS LEGAL CUSTODY OR CARE
11 AND CONTROL OF THE SCHOOL AGE CHILD; OR

12 (3) IS RECEIVING REGULAR, THOROUGH INSTRUCTION DURING THE
13 SCHOOL YEAR IN THE STUDIES USUALLY TAUGHT IN THE PUBLIC SCHOOLS TO
14 CHILDREN OF THE SAME AGE AS PROVIDED UNDER § 7-301(A) OF THIS SUBTITLE.

15 (D) A POLICE OFFICER WHO FINDS A SCHOOL AGE CHILD IN VIOLATION OF
16 THIS SECTION SHALL:

17 (1) ISSUE A CITATION TO THE CHILD THAT NOTIFIES THE PARENT OR
18 PERSON WHO HAS LEGAL CUSTODY OR CARE AND CONTROL OF THE SCHOOL AGE
19 CHILD OF THE VIOLATION OF THIS SECTION; AND

20 (2) FILE THE ORIGINAL OF THE CITATION IN THE DISTRICT COURT
21 PURSUANT TO THE MARYLAND RULES ON CHARGING DOCUMENTS.

22 (E) WHEN A CITATION IS FILED IN THE DISTRICT COURT UNDER SUBSECTION
23 (D)(2) OF THIS SECTION, A SUMMONS SHALL BE ISSUED REQUIRING THE PARENT OR
24 PERSON WHO HAS LEGAL CUSTODY OR CARE AND CONTROL OF THE SCHOOL AGE
25 CHILD AND THE CHILD TO APPEAR OR HAVE COUNSEL ENTER AN APPEARANCE AS
26 PROVIDED BY THE MARYLAND RULES.

27 (F) A PARENT OR PERSON WHO HAS LEGAL CUSTODY OR CARE AND
28 CONTROL OF A SCHOOL AGE CHILD WHO VIOLATES SECTION (B)(2) OF THIS SECTION
29 IS GUILTY OF A MISDEMEANOR AND SUBJECT TO THE PENALTIES PROVIDED UNDER
30 § 7-301(E)(2) OF THIS SUBTITLE.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 July 1, 1997.