
By: **Delegates King, Boschert, Bronrott, Cryor, Dumais, Feldman, Griffith, Kaiser, Lawton, Madaleno, Montgomery, Murray, Patterson, Simmons, and Stern Stern, Bartlett, Bozman, C. Davis, Elmore, Gilleland, Goodwin, Healey, Heller, Hixson, Howard, King, Marriott, McKee, Myers, Ramirez, and Ross**

Introduced and read first time: February 1, 2006

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2006

CHAPTER _____

1 AN ACT concerning

2 **Education - Contractors ~~with Criminal Convictions and Registered Sexual~~**
3 **Offenders - Prohibitions on Contracts**

4 FOR the purpose of ~~requiring the State Board of Education to adopt regulations that~~
5 ~~prohibit a county board of education from contracting with certain individuals~~
6 ~~who have been convicted of certain crimes or who employ individuals who have~~
7 ~~been convicted of certain crimes under certain circumstances; and generally~~
8 ~~relating to prohibitions on contracts with certain contractors by county boards of~~
9 ~~education prohibiting a county board of education from contracting for certain~~
10 ~~services with certain individuals who are required to register as sexual~~
11 ~~offenders; prohibiting a person who enters a contract with a county board from~~
12 ~~employing certain individuals to provide certain services; requiring the State~~
13 ~~Board of Education to adopt certain regulations; requiring certain regulations to~~
14 ~~establish certain procedures; defining a certain term; and generally relating to~~
15 ~~sexual offenders and contracts by county boards of education to repair,~~
16 ~~maintain, improve, and build school property.~~

17 BY adding to
18 Article - Education
19 Section 6-113.1
20 Annotated Code of Maryland
21 (2004 Replacement Volume and 2005 Supplement)

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

3 **Article - Education**

4 6-113.1.

5 ~~(A) THE STATE BOARD SHALL ADOPT REGULATIONS THAT PROHIBIT A~~
6 ~~COUNTY BOARD FROM CONTRACTING TO REPAIR, MAINTAIN, IMPROVE, OR BUILD~~
7 ~~SCHOOL PROPERTY WHILE STUDENTS ARE PRESENT DURING REGULAR SCHOOL~~
8 ~~HOURS IN THE SCHOOL YEAR WITH A PERSON WHO HAS BEEN CONVICTED OF OR~~
9 ~~WHO EMPLOYS INDIVIDUALS WHO HAVE BEEN CONVICTED OF A CRIME INVOLVING:~~

10 ~~(1) AN OFFENSE UNDER § 3-307 OF THE CRIMINAL LAW ARTICLE;~~

11 ~~(2) CHILD SEXUAL ABUSE UNDER § 3-602 OF THE CRIMINAL LAW~~
12 ~~ARTICLE, OR AN OFFENSE UNDER THE LAWS OF ANOTHER STATE THAT WOULD~~
13 ~~CONSTITUTE CHILD SEXUAL ABUSE UNDER § 3-602 OF THE CRIMINAL LAW ARTICLE~~
14 ~~IF COMMITTED IN THIS STATE; OR~~

15 ~~(3) A CRIME OF VIOLENCE AS DEFINED IN § 14-101 OF THE CRIMINAL~~
16 ~~LAW ARTICLE, OR AN OFFENSE UNDER THE LAWS OF ANOTHER STATE THAT WOULD~~
17 ~~BE A VIOLATION OF § 14-101 OF THE CRIMINAL LAW ARTICLE IF COMMITTED IN THIS~~
18 ~~STATE.~~

19 ~~(B) THE REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS SECTION~~
20 ~~SHALL INCLUDE A REQUIREMENT THAT A STATE AND NATIONAL CRIMINAL HISTORY~~
21 ~~RECORDS CHECK BE CONDUCTED ON EACH INDIVIDUAL EMPLOYED UNDER THIS~~
22 ~~SECTION.~~

23 ~~(A) IN THIS SECTION, "SEXUAL OFFENDER" MEANS A PERSON WHO IS~~
24 ~~REQUIRED TO REGISTER UNDER § 11-704 OF THE CRIMINAL PROCEDURE ARTICLE.~~

25 ~~(B) (1) A COUNTY BOARD MAY NOT CONTRACT WITH A PERSON TO REPAIR,~~
26 ~~MAINTAIN, IMPROVE, OR BUILD SCHOOL PROPERTY IF THE PERSON IS REGISTERED~~
27 ~~AS A SEXUAL OFFENDER.~~

28 ~~(2) A PERSON WHO ENTERS A CONTRACT WITH A COUNTY BOARD MAY~~
29 ~~NOT KNOWINGLY EMPLOY AN INDIVIDUAL TO REPAIR, MAINTAIN, IMPROVE, OR~~
30 ~~BUILD SCHOOL PROPERTY IF THE INDIVIDUAL IS REGISTERED AS A SEXUAL~~
31 ~~OFFENDER.~~

32 ~~(C) (1) THE STATE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THE~~
33 ~~PROVISIONS OF THIS SECTION.~~

34 ~~(2) THE REGULATIONS REQUIRED UNDER THIS SUBSECTION SHALL~~
35 ~~ESTABLISH PROCEDURES TO VERIFY THAT A PERSON WHO ENTERS A CONTRACT~~
36 ~~WITH A COUNTY BOARD, OR IS EMPLOYED BY A CONTRACTOR, TO REPAIR, MAINTAIN,~~
37 ~~IMPROVE, OR BUILD SCHOOL PROPERTY IS NOT REGISTERED AS A SEXUAL~~
38 ~~OFFENDER.~~

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2006.