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By: **Delegates Sophocleus, Benson, Bohanan, Boschert, Bromwell, Cadden,  
V. Clagett, Costa, Dwyer, Elmore, Gilleland, Kach, Leopold, Love,  
McConkey, Minnick, Quinter, and Smigiel**

Introduced and read first time: February 10, 2006

Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **Education - Public Schools - Trespass**

3 FOR the purpose of requiring certain superintendents, principals, or school resource  
4 officers to deny certain access to certain buildings and grounds of public schools  
5 to certain persons who are required to register for certain offenses; providing an  
6 exception to a certain prohibition under certain circumstances; and generally  
7 relating to accessing the buildings and grounds of public schools.

8 BY repealing and reenacting, without amendments,

9 Article - Criminal Procedure

10 Section 11-704

11 Annotated Code of Maryland

12 (2001 Volume and 2005 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article - Education

15 Section 26-102

16 Annotated Code of Maryland

17 (2004 Replacement Volume and 2005 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Criminal Procedure**

21 11-704.

22 (a) A person shall register with the person's supervising authority if the  
23 person is:

24 (1) a child sexual offender;

25 (2) an offender;

1 (3) a sexually violent offender;

2 (4) a sexually violent predator;

3 (5) a child sexual offender who, before moving into this State, was  
4 required to register in another state or by a federal, military, or Native American  
5 tribal court for a crime that occurred before October 1, 1995;

6 (6) an offender, sexually violent offender, or sexually violent predator  
7 who, before moving into this State, was required to register in another state or by a  
8 federal, military, or Native American tribal court for a crime that occurred before July  
9 1, 1997; or

10 (7) a child sexual offender, offender, sexually violent offender, or sexually  
11 violent predator who is required to register in another state, who is not a resident of  
12 this State, and who enters this State:

13 (i) to carry on employment;

14 (ii) to attend a public or private educational institution, including a  
15 secondary school, trade or professional institution, or institution of higher education,  
16 as a full-time or part-time student; or

17 (iii) as a transient.

18 (b) Notwithstanding any other provision of law, a person is no longer subject  
19 to registration under this subtitle if:

20 (1) the underlying conviction requiring registration is reversed, vacated,  
21 or set aside; or

22 (2) the registrant is pardoned for the underlying conviction.

23 **Article - Education**

24 26-102.

25 (a) In this section, "school resource officer" means a law enforcement officer as  
26 defined under § 3-101(e) of the Public Safety Article who has been assigned to a  
27 school in accordance with a memorandum of understanding between the chief of a law  
28 enforcement agency as defined under § 3-101(b) of the Public Safety Article and the  
29 local education agency.

30 (b) The governing board, president, superintendent, principal, or school  
31 resource officer of any public institution of elementary, secondary, or higher  
32 education, or a person designated in writing by the board or any of these persons, may  
33 deny access to the buildings or grounds of the institution to any other person who:

1 (1) Is not a bona fide, currently registered student, or staff or faculty  
2 member at the institution, and who does not have lawful business to pursue at the  
3 institution;

4 (2) Is a bona fide, currently registered student at the institution and has  
5 been suspended or expelled from the institution, for the duration of the suspension or  
6 expulsion; or

7 (3) Acts in a manner that disrupts or disturbs the normal educational  
8 functions of the institution.

9 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE  
10 SUPERINTENDENT, PRINCIPAL, OR SCHOOL RESOURCE OFFICER OF A PUBLIC  
11 SCHOOL SHALL DENY ACCESS TO THE BUILDINGS OR GROUNDS OF A PUBLIC  
12 SCHOOL TO A PERSON WHO IS REQUIRED TO REGISTER UNDER § 11-704 OF THE  
13 CRIMINAL PROCEDURE ARTICLE.

14 (2) THE PROHIBITION UNDER PARAGRAPH (1) OF THIS SUBSECTION  
15 DOES NOT APPLY TO A PERSON WHO POSSESSES WRITTEN AUTHORIZATION SIGNED  
16 BY THE LOCAL SUPERINTENDENT OR PRINCIPAL OF A PUBLIC SCHOOL THAT THE  
17 PERSON MAY HAVE ACCESS TO THE BUILDINGS OR GROUNDS OF THE PUBLIC  
18 SCHOOL.

19 [(c)] (D) Administrative personnel, authorized employees of any public  
20 institution of elementary, secondary, or higher education, and persons designated in  
21 subsection (b) of this section may demand identification and evidence of qualification  
22 from any person who desires to use or enter the premises of the institution.

23 [(d)] (E) The governing board of any public institution of elementary,  
24 secondary, or higher education may enter into an agreement with appropriate law  
25 enforcement agencies to carry out the responsibilities of this section when:

26 (1) The institution is closed; or

27 (2) None of the persons designated in subsection (b) of this section are  
28 present in the buildings or on the grounds of the institution.

29 [(e)] (F) A person is guilty of a misdemeanor and on conviction is subject to a  
30 fine not exceeding \$1,000, imprisonment not exceeding 6 months, or both if he:

31 (1) Trespasses on the grounds of any public institution of elementary,  
32 secondary, or higher education;

33 (2) Fails or refuses to leave the grounds of any of these institutions after  
34 being requested to do so by a person designated in subsection (b) of this section as  
35 being authorized to deny access to the buildings or grounds of the institution; or

36 (3) Willfully damages or defaces any building, furnishing, statue,  
37 monument, memorial, tree, shrub, grass, or flower on the grounds of any of these  
38 institutions.

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