
By: **Senators Jimeno and DeGrange**

Introduced and read first time: February 3, 2006

Assigned to: Judicial Proceedings

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;
- 26 (3) a sexually violent offender;

1 (4) a sexually violent predator;

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

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

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

12 (i) to carry on employment;

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

16 (iii) as a transient.

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

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

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

22 **Article - Education**

23 26-102.

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

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

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

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

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

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

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

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

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

23 (1) The institution is closed; or

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

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

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

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

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

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