

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE
Revised

House Bill 531

(Delegate King, *et al.*)

Ways and Means

Education, Health, and Environmental Affairs

Education - Contractors and Registered Sexual Offenders - Prohibitions

This bill prohibits a local board of education from contracting for school building repairs, maintenance, and improvements with a person who is registered as a sexual offender. In addition, a school construction contractor may not knowingly employ an individual who is registered as a sexual offender. The State Board of Education must establish procedures to verify that a person who enters into a school construction contract and the people employed by the contractor are not registered as sex offenders. The State board must adopt regulations to implement the bill.

Fiscal Summary

State Effect: The State Board of Education could develop and adopt the regulations with existing personnel and resources.

Local Effect: Assuming contractors would increase bids to reflect the cost of obtaining criminal history records checks and verifying that employees are not registered sexual offenders, local school expenditures for school building repair, maintenance, and improvement contracts could increase minimally.

Small Business Effect: Minimal.

Analysis

Current Law: A public school may not hire an individual who has been convicted of a violent or sexual offense; however, the prohibition does not extend to an individual with whom a school system contracts.

Under Section 11-704 of the Criminal Procedure Article, the following individuals are required to register with the State as sexual offenders:

- a child sexual offender;
- a person convicted of kidnapping or child kidnapping;
- a sexually violent offender;
- a sexually violent predator; and
- a person listed above who was registered in another state before coming to Maryland.

Local Expenditures: A criminal history records check costs \$52 to process in Maryland. Assuming contractors will be responsible for running records checks on their employees, the cost will most likely be passed on to local school systems through higher bids for school construction and improvement contracts. The additional costs are not expected to be significant.

Additional Information

Prior Introductions: None.

Cross File: SB 668 (Senator Garagiola, *et al.*) – Education, Health, and Environmental Affairs.

Information Source(s): Maryland State Department of Education, Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - February 28, 2006
mam/rhh Revised - House Third Reader - April 4, 2006

Analysis by: Mark W. Collins

Direct Inquiries to:
(410) 946-5510
(301) 970-5510