

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

Senate Bill 638

(Senators Jimeno and DeGrange)

Judicial Proceedings

Education - Public Schools - Trespass

This bill requires the local superintendent of schools, principal, or school resource officer of a public school to deny access to the building or grounds of a public school to a person who is required to register as a sexual offender, unless the individual possesses written authorization from the superintendent or principal.

Fiscal Summary

State Effect: Assuming the bill is not intended to address institutions of higher education, the bill impacts local school systems and has no effect on State operations or finances.

Local Effect: Although the bill may present enforcement challenges, it is assumed that local school systems could make every effort to comply without incurring additional expenditures.

Small Business Effect: None.

Analysis

Current Law: The governing board, president, local superintendent of schools, principal, or school resource officer of any public institution of elementary, secondary, or higher education may deny access to the buildings or grounds of the institution to a person who: (1) is not a registered student or faculty or staff member at the institution; (2) is a student who has been suspended or expelled from the institution; or (3) acts in a manner that disrupts or disturbs the normal educational functions of the institution.

Generally, a person convicted of a sex crime or other specified crime in Maryland, including kidnapping and false imprisonment, is required to register with the State sex offender registry. Offenders who are required to register in other states and who come to Maryland are required to register upon entering Maryland. Maryland has four categories of persons convicted of sexual offenses: (1) a child sexual offender; (2) an offender; (3) a sexually violent offender; and (4) a sexually violent predator. Sexual offenders are required to register with the Crimes Against Children and Sexual Offender Registry for a term of either 10 years or life depending on the offense. An offender and a sexually violent offender must register annually. A sexually violent predator must register every 90 days.

Background: According to the Department of Public Safety and Correctional Services (DPSCS), 4,335 offenders are currently included in the Maryland sex offender registry. The Maryland State Department of Education (MSDE) reports that 3,095 of these offenders are child sexual offenders. About 500 to 600 new offenders are added to the sex offender registry each year, and the majority of offenders on the registry are required to continue registering for life.

During the 2004 session, a task force was established to study the use of global positioning systems (GPS) and investigate the feasibility of outfitting sex offenders and other violent criminals with global positioning anklets, which would keep track of their whereabouts at all times. The final report by the task force recommends that:

- GPS technology be utilized on persons that are a high risk to public safety and when location is of a primary concern;
- a pilot program and study, funded by State general funds and focused on the sex offender population, be conducted by DPSCS to: determine the strengths and weaknesses of the emerging technology; test recent risk assessment instruments used to determine which offenders should be selected; and determine overall outcomes, such as recidivism;
- collaborative and cooperative procedures giving law enforcement access to GPS data and allowing input from law enforcement in GPS's use for particular individuals be a fundamental consideration in the design of any GPS monitoring strategy;
- GPS tracking be prescribed by the Division of Parole and Probation when it is determined that it would be beneficial as part of a supervision modality using standardized risk assessment instruments;
- DPSCS monitor the Children's Safety Act of 2005 in the U.S. Congress.

The task force also recommends that the State institutionalize the task force to:

- monitor a pilot program;
- recommend other populations for GPS deployment;
- advise the Division of Parole and Probation on the pilot program;
- study promising and emerging practices;
- study GPS use with other populations, including domestic violence populations; and
- monitor the availability of federal funding.

Local Fiscal Effect: It is assumed that local school systems could attempt to comply with the bill without incurring additional expenditures. Enforcing the rule could be problematic, however, especially for large events that take place on school grounds, such as athletic events and school performances. Without the benefit of GPS technology or similarly advanced equipment, strict enforcement of bill would be difficult, if not impossible. The costs for GPS technology would be significant.

Additional Information

Prior Introductions: None.

Cross File: HB 1282 (Delegate Sophocleus, *et al.*) – Ways and Means.

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

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