

# HOUSE BILL 642

E4, O4, F1

5lr1483  
CF SB 508

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By: Delegates Luedtke, Morales, Afzali, Barkley, Buckel, Dumais, Fraser-Hidalgo, Gutierrez, Hixson, C. Howard, Jackson, Jalisi, Kaiser, Kelly, Krimm, Moon, Platt, Reilly, Smith, Turner, A. Washington, M. Washington, and B. Wilson

Introduced and read first time: February 12, 2015

Assigned to: Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2015

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Children – Child Care Facilities, Public Schools, and Nonpublic Schools –**  
3 **Contractors and Subcontractors**

4 FOR the purpose of prohibiting certain county boards of education and certain nonpublic  
5 schools from ~~allowing certain individuals to hire or retain~~ hiring or retaining certain  
6 individuals who have been convicted of certain crimes ~~and who have a certain type~~  
7 ~~of access to certain students in certain circumstances;~~ requiring certain contracts to  
8 provide that certain contractors or subcontractors for certain nonpublic schools and  
9 certain local school systems may not knowingly assign employees to work on school  
10 premises with certain access to children if the employee has been convicted of certain  
11 crimes; adding certain contractors and subcontractors who have a certain type of  
12 access to certain children to the list of individuals required to obtain a certain  
13 criminal history records check; amending a certain definition of “employee” to  
14 include certain contractors and subcontractors who have a certain type of access to  
15 certain children; making certain stylistic changes; and generally relating to  
16 contractors and subcontractors who work with or have access to children.

17 BY repealing and reenacting, with amendments,  
18 Article – Education  
19 Section 2–206.1 and 6–113  
20 Annotated Code of Maryland  
21 (2014 Replacement Volume and 2014 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, without amendments,  
 2 Article – Family Law  
 3 Section 5–560(a) and (d) and 5–561(b)  
 4 Annotated Code of Maryland  
 5 (2012 Replacement Volume and 2014 Supplement)

6 BY adding to  
 7 Article – Family Law  
 8 Section 5–561(a)  
 9 Annotated Code of Maryland  
 10 (2012 Replacement Volume and 2014 Supplement)

11 BY repealing and reenacting, with amendments,  
 12 Article – Family Law  
 13 Section 5–561(a)  
 14 Annotated Code of Maryland  
 15 (2012 Replacement Volume and 2014 Supplement)

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

18 **Article – Education**

19 2–206.1.

20 ~~(A) IN THIS SUBSECTION, “APPLICABLE OFFENSE” MEANS:~~

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

22 ~~(2) CHILD SEXUAL ABUSE UNDER § 3–602 OF THE CRIMINAL LAW~~  
 23 ~~ARTICLE, OR AN OFFENSE UNDER THE LAWS OF ANOTHER STATE THAT WOULD~~  
 24 ~~CONSTITUTE CHILD SEXUAL ABUSE UNDER § 3–602 OF THE CRIMINAL LAW ARTICLE~~  
 25 ~~IF COMMITTED IN THIS STATE; OR~~

26 ~~(3) A CRIME OF VIOLENCE AS DEFINED IN § 14–101 OF THE CRIMINAL~~  
 27 ~~LAW ARTICLE, OR AN OFFENSE UNDER THE LAWS OF ANOTHER STATE THAT WOULD~~  
 28 ~~BE A VIOLATION OF § 14–101 OF THE CRIMINAL LAW ARTICLE IF COMMITTED IN~~  
 29 ~~THIS STATE.~~

30 ~~{(a)}~~ ~~(B)~~ A nonpublic school that is subject to the requirements of this title may  
 31 not ~~{hire}~~

32 ~~(1) HIRE~~ or retain ~~{any employee}~~ ~~AN INDIVIDUAL~~ who works with or has  
 33 access to students and who the school knows has been convicted of ~~{a crime involving:~~

1 (1) An offense under § 3-307 OR § 3-308 of the Criminal Law Article OR  
 2 AN OFFENSE UNDER THE LAWS OF ANOTHER STATE THAT WOULD CONSTITUTE A  
 3 VIOLATION OF § 3-307 OR § 3-308 OF THE CRIMINAL LAW ARTICLE IF COMMITTED  
 4 IN THE STATE;

5 (2) Child sexual abuse under § 3-602 of the Criminal Law Article, or an  
 6 offense under the laws of another state that would constitute child sexual abuse under §  
 7 3-602 of the Criminal Law Article if committed in this State; or

8 (3) A crime of violence as defined in § 14-101 of the Criminal Law Article,  
 9 or an offense under the laws of another state that would be a violation of § 14-101 of the  
 10 Criminal Law Article if committed in this State; ~~AN APPLICABLE OFFENSE; OR.~~

11 (B) A NONPUBLIC SCHOOL CONTRACT SHALL PROVIDE THAT A  
 12 CONTRACTOR OR SUBCONTRACTOR FOR THE SCHOOL MAY NOT KNOWINGLY ASSIGN  
 13 AN EMPLOYEE TO WORK ON SCHOOL PREMISES WITH DIRECT, UNSUPERVISED, AND  
 14 UNCONTROLLED ACCESS TO CHILDREN, IF THE EMPLOYEE HAS BEEN CONVICTED OF  
 15 A CRIME IDENTIFIED UNDER SUBSECTION (A) OF THIS SECTION.

16 ~~(2) ALLOW A CONTRACTOR OR SUBCONTRACTOR FOR THE~~  
 17 ~~NONPUBLIC SCHOOL TO HIRE OR RETAIN AN INDIVIDUAL WHO WORKS WITH OR HAS~~  
 18 ~~DIRECT, UNSUPERVISED, AND UNCONTROLLED ACCESS TO STUDENTS AND WHO THE~~  
 19 ~~SCHOOL KNOWS HAS BEEN CONVICTED OF AN APPLICABLE OFFENSE.~~

20 [(b)] (C) The State Board shall revoke the certificate of approval or letter of  
 21 tentative approval of a nonpublic school that violates this section.

22 6-113.

23 ~~(A) IN THIS SUBSECTION, "APPLICABLE OFFENSE" MEANS:~~

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

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

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

33 ~~(B)~~ (A) A county board may not ~~[~~knowingly~~]~~;



1 (ii) for compensation will be employed on a substitute or temporary  
2 basis to work in a facility identified in § 5-561(b)(1) or (2) of this subtitle; and

3 (iii) will care for or supervise children in the facility or will have  
4 access to children who are cared for or supervised in the facility.

5 (3) "Employee" does not include any person employed to work for  
6 compensation by the Department of Juvenile Services.

7 5-561.

8 **(A) (1) IN THIS SECTION, "EMPLOYEE" HAS THE MEANING STATED IN §**  
9 **5-560 OF THIS SUBTITLE.**

10 **(2) "EMPLOYEE" INCLUDES A CONTRACTOR OR A SUBCONTRACTOR**  
11 **WHO HAS DIRECT, UNSUPERVISED, AND UNCONTROLLED ACCESS TO CHILDREN.**

12 [(a)] **(A-1)** Notwithstanding any provision of law to the contrary, an employee and  
13 employer in a facility identified in subsection (b) of this section and individuals identified  
14 in subsection (c) of this section shall apply for a national and State criminal history records  
15 check at any designated law enforcement office in this State or other location approved by  
16 the Department.

17 (b) The following facilities shall require employees and employers to obtain a  
18 criminal history records check under this Part VI of this subtitle:

19 (1) a child care center required to be licensed under Part VII of this  
20 subtitle;

21 (2) a family child care home or large family child care home required to be  
22 registered under Part V of this subtitle;

23 (3) a child care home required to be licensed under this subtitle or under  
24 Title 9 of the Human Services Article;

25 (4) a child care institution required to be licensed under this subtitle or  
26 under Title 9 of the Human Services Article;

27 (5) a juvenile detention, correction, or treatment facility provided for in  
28 Title 9 of the Human Services Article;

29 (6) a public school as defined in Title 1 of the Education Article;

30 (7) a private or nonpublic school required to report annually to the State  
31 Board of Education under Title 2 of the Education Article;

32 (8) a foster care family home or group facility as defined under this subtitle;

1 (9) a recreation center or recreation program operated by the State, a local  
2 government, or a private entity primarily serving minors;

3 (10) a day or residential camp, as defined in Title 10, Subtitle 16 of the Code  
4 of Maryland Regulations, primarily serving minors; or

5 (11) a home health agency or residential service agency licensed by the  
6 Department of Health and Mental Hygiene and authorized under Title 19 of the Health –  
7 General Article to provide home– or community–based health services for minors.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
9 1, 2015.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.