

# SENATE BILL 160

F1, E3

8lr1621  
CF HB 319

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By: **Senators Nathan–Pulliam, Benson, Guzzone, Madaleno, McFadden, Robinson, Rosapepe, and Young**

Introduced and read first time: January 15, 2018

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 14, 2018

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

1 AN ACT concerning

2 **Juvenile Law – Truancy – Applicable Age Range and Affirmative Defense**

3 FOR the purpose of altering the age range for which a certain charge relating to truancy is  
4 applicable; altering the application of a certain affirmative defense to a certain  
5 charge relating to truancy; and generally relating to the applicable age range for and  
6 an affirmative defense against a charge relating to truancy.

7 BY repealing and reenacting, with amendments,

8 Article – Education

9 Section ~~7–301(c) and (e–1)~~ 7–301(c), (e), and (e–1)

10 Annotated Code of Maryland

11 (2014 Replacement Volume and 2017 Supplement)

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

14 **Article – Education**

15 7–301.

16 (c) Each person who has legal custody or care and control of a child who is 5 years  
17 old or older and under [18] 16 shall see that the child attends school or receives instruction  
18 as required by this section.

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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 (e) (1) Any person who induces or attempts to induce a child to be absent  
2 unlawfully from school or employs or harbors any child who is absent unlawfully from  
3 school while school is in session is guilty of a misdemeanor and on conviction is subject to  
4 a fine not to exceed \$500 or imprisonment not to exceed 30 days, or both.

5 (2) Any person who has legal custody or care and control of a child who is  
6 5 years old or older and under ~~18~~ 16 who fails to see that the child attends school or receives  
7 instruction under this section is guilty of a misdemeanor and:

8 (i) For a first conviction is subject to a fine not to exceed \$50 per day  
9 of unlawful absence or imprisonment not to exceed 10 days, or both; and

10 (ii) For a second or subsequent conviction is subject to a fine not to  
11 exceed \$100 per day of unlawful absence or imprisonment not to exceed 30 days, or both.

12 (3) **(I) FOR A PERSON WITH LEGAL CUSTODY OR CARE AND**  
13 **CONTROL OF A CHILD AT THE TIME OF AN ALLEGED VIOLATION OF THIS SECTION, IT**  
14 **IS AN AFFIRMATIVE DEFENSE TO A CHARGE UNDER THIS SECTION THAT THE PERSON**  
15 **MADE REASONABLE AND SUBSTANTIAL EFFORTS TO SEE THAT THE CHILD**  
16 **ATTENDED SCHOOL AS REQUIRED BY LAW BUT WAS UNABLE TO CAUSE THE CHILD**  
17 **TO ATTEND SCHOOL.**

18 **(II) IF THE COURT FINDS THE AFFIRMATIVE DEFENSE IS VALID,**  
19 **THE COURT SHALL DISMISS THE CHARGE UNDER THIS SECTION AGAINST THE**  
20 **DEFENDANT.**

21 (4) (i) As to any sentence imposed under this section, the court may  
22 suspend the fine or the prison sentence and establish terms and conditions that would  
23 promote the child's attendance.

24 (ii) The suspension authority provided for under subparagraph (i) of  
25 this paragraph is in addition to and not in limitation of the suspension authority under §  
26 6-221 of the Criminal Procedure Article.

27 (e-1) (1) This subsection applies only:

28 (i) In a county in which the circuit administrative judge has  
29 established a Truancy Reduction Pilot Program under § 3-8C-02 of the Courts Article; and

30 (ii) To the extent that funds are provided in an annual State budget  
31 for a Truancy Reduction Pilot Program.

32 (2) A charge under this section may be filed in the juvenile court and  
33 assigned to a truancy docket for disposition under Title 3, Subtitle 8C of the Courts Article.

1                   (3)    [(i)    For a person with legal custody or care and control of a child at  
2 the time of an alleged violation of this section, it is an affirmative defense to a charge under  
3 this section that the person made reasonable and substantial efforts to see that the child  
4 attended school as required by law but was unable to cause the child to attend school.

5                   (ii)   If the court finds the affirmative defense is valid, the court shall  
6 dismiss the charge under this section against the defendant.

7                   (4)]   The court may condition marking a charge under this section set on  
8 participation of the defendant in the appropriate Truancy Reduction Pilot Program under  
9 Title 3, Subtitle 8C of the Courts Article.

10           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
11 1, 2018.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.