

HOUSE BILL 1645

E2, F1, E4

EMERGENCY BILL

0lr3582

By: **Delegates Mangione, Adams, Arentz, Beitzel, Boteler, Brooks, Buckel, Chisholm, Ghrist, Grammer, Hornberger, Howard, Kipke, Krebs, Long, Mautz, McKay, Metzgar, Morgan, Otto, Reilly, Rose, Saab, Shoemaker, and Szeliga**

Introduced and read first time: February 26, 2020

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Registered Sex Offenders – Entry Onto School Property**
3 **(Predator-Free Schools Act)**

4 FOR the purpose of providing that a certain law prohibiting a registered sex offender from
5 entering onto real property used for public or nonpublic elementary or secondary
6 education applies to a student who is a registered sex offender and has been
7 convicted of a sexually violent crime; requiring a county board of education to develop
8 and adopt a policy that enables a certain student who is a registered sex offender to
9 continue receiving a certain education in a certain location; requiring the State
10 Board of Education to develop and adopt certain guidelines and a certain model
11 policy; defining certain terms; making this Act an emergency measure; and generally
12 relating to registered sex offenders on school property.

13 BY repealing and reenacting, without amendments,
14 Article – Criminal Procedure
15 Section 11–701(a) and (j)
16 Annotated Code of Maryland
17 (2018 Replacement Volume and 2019 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Criminal Procedure
20 Section 11–722
21 Annotated Code of Maryland
22 (2018 Replacement Volume and 2019 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Criminal Procedure

11-701.

(a) In this subtitle the following words have the meanings indicated.

(j) “Sexually violent offense” means:

(1) a violation of § 3-303, § 3-304, § 3-309, or § 3-310 of the Criminal Law Article, or § 3-305, § 3-306, § 3-311, or § 3-312 of the Criminal Law Article as the sections existed before October 1, 2017;

(2) assault with intent to commit rape in the first or second degree or a sexual offense in the first or second degree as prohibited on or before September 30, 1996, under former Article 27, § 12 of the Code; or

(3) a crime committed in another jurisdiction, federal or military court, or foreign country that, if committed in this State, would constitute one of the crimes listed in item (1) or (2) of this subsection.

11-722.

(a) **(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) “COUNTY BOARD” HAS THE MEANING STATED IN § 1-101 OF THE EDUCATION ARTICLE.

(3) “STATE BOARD” HAS THE MEANING STATED IN § 1-101 OF THE EDUCATION ARTICLE.

(B) (1) [This] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS section does not apply to a registrant who enters real property:

[(1)] (I) where the registrant is a student or the registrant’s child is a student or receives child care, if:

[(i)] 1. within the past year the registrant has been given the specific written permission of the Superintendent of Schools, the local school board, the principal of the school, or the owner or operator of the registered family child care home, licensed child care home, or licensed child care institution, as applicable; and

[(ii)] 2. the registrant promptly notifies an agent or employee of the school, home, or institution of the registrant’s presence and purpose of visit; or

[(2)] (II) for the purpose of voting at a school on an election day in the

1 State if the registrant is properly registered to vote and the registrant's polling place is at
2 the school.

3 **(2) THIS SECTION APPLIES TO A REGISTRANT WHO IS A STUDENT AND**
4 **HAS BEEN CONVICTED OF A SEXUALLY VIOLENT OFFENSE.**

5 **[(b)] (C)** A registrant may not knowingly enter onto real property:

6 (1) that is used for public or nonpublic elementary or secondary education;
7 or

8 (2) on which is located:

9 (i) a family child care home registered under Title 5, Subtitle 5 of
10 the Family Law Article;

11 (ii) a child care home or a child care institution licensed under Title
12 5, Subtitle 5 of the Family Law Article; or

13 (iii) a home where informal child care, as defined in child care subsidy
14 regulations adopted under Title 13A of the Code of Maryland Regulations, is being provided
15 or will be provided to a child who does not reside there.

16 **[(c)] (D)** A person who enters into a contract with a county board [of education]
17 or a nonpublic school may not knowingly employ an individual to work at a school if the
18 individual is a registrant.

19 **(E) (1) EACH COUNTY BOARD SHALL DEVELOP AND ADOPT A POLICY**
20 **THAT ENABLES A REGISTRANT WHO IS A STUDENT PROHIBITED FROM ENTERING**
21 **REAL PROPERTY THAT IS USED FOR PUBLIC OR NONPUBLIC ELEMENTARY OR**
22 **SECONDARY EDUCATION TO CONTINUE RECEIVING AN EDUCATION IN ACCORDANCE**
23 **WITH STATE LAW IN A LOCATION OTHER THAN REAL PROPERTY THAT IS USED FOR**
24 **PUBLIC OR NONPUBLIC ELEMENTARY OR SECONDARY EDUCATION.**

25 **(2) THE STATE BOARD SHALL DEVELOP AND ADOPT GUIDELINES AND**
26 **A MODEL POLICY TO ASSIST A COUNTY BOARD WITH THE DEVELOPMENT OF A POLICY**
27 **UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

28 **[(d)] (F)** A person who violates this section is guilty of a misdemeanor and on
29 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000
30 or both.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
32 measure, is necessary for the immediate preservation of the public health or safety, has
33 been passed by a ye and nay vote supported by three-fifths of all the members elected to
34 each of the two Houses of the General Assembly, and shall take effect from the date it is

1 enacted.