

# SENATE BILL 1052

E2, F1, E4

EMERGENCY BILL

0lr3640  
CF HB 1638

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By: **Senators Klausmeier, Salling, and West**

Introduced and read first time: February 21, 2020

Assigned to: Rules

Re-referred to: Judicial Proceedings, February 24, 2020

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 14, 2020

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

1 AN ACT concerning

### 2 **Criminal Procedure – Registered Sex Offenders – Entry Onto School Property**

3 FOR the purpose of repealing a certain exception authorizing, under certain circumstances,  
4 a student who is a registered sex offender to enter onto real property used for public  
5 or nonpublic elementary or secondary education; requiring a county board of  
6 education to develop and adopt a policy that enables a student who is a registered  
7 sex offender to continue receiving a certain education in a certain location; requiring  
8 the State Board of Education to develop and adopt certain guidelines and a certain  
9 model policy; defining certain terms; making this Act an emergency measure; and  
10 generally relating to registered sex offenders on school property.

11 BY repealing and reenacting, with amendments,

12 Article – Criminal Procedure

13 Section 11–722

14 Annotated Code of Maryland

15 (2018 Replacement Volume and 2019 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

17 That the Laws of Maryland read as follows:

### 18 **Article – Criminal Procedure**

19 11–722.

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

3                   **(2) “COUNTY BOARD” HAS THE MEANING STATED IN § 1–101 OF THE**  
4 **EDUCATION ARTICLE.**

5                   **(3) “REGISTRANT” MEANS A PERSON WHO IS REQUIRED TO REGISTER**  
6 **UNDER § 11–704 OF THIS SUBTITLE.**

7                   **(4) “STATE BOARD” HAS THE MEANING STATED IN § 1–101 OF THE**  
8 **EDUCATION ARTICLE.**

9           **(B)** This section does not apply to a registrant who enters real property:

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

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

16                           (ii) the registrant promptly notifies an agent or employee of the  
17 school, home, or institution of the registrant’s presence and purpose of visit; or

18                   (2) for the purpose of voting at a school on an election day in the State if  
19 the registrant is properly registered to vote and the registrant’s polling place is at the  
20 school.

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

22                   (1) that is used for public or nonpublic elementary or secondary education;  
23 or

24                   (2) on which is located:

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

27                           (ii) a child care home or a child care institution licensed under Title  
28 5, Subtitle 5 of the Family Law Article; or

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

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

4            (E)    (1)    EACH COUNTY BOARD SHALL DEVELOP AND ADOPT A POLICY  
5 THAT ENABLES A REGISTRANT WHO IS A STUDENT TO CONTINUE RECEIVING AN  
6 EDUCATION IN ACCORDANCE WITH STATE LAW IN A LOCATION OTHER THAN REAL  
7 PROPERTY THAT IS USED FOR PUBLIC OR NONPUBLIC ELEMENTARY OR SECONDARY  
8 EDUCATION.

9            (2)    THE STATE BOARD SHALL DEVELOP AND ADOPT GUIDELINES AND  
10 A MODEL POLICY TO ASSIST A COUNTY BOARD WITH THE DEVELOPMENT OF A POLICY  
11 UNDER PARAGRAPH (1) OF THIS SUBSECTION.

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.