

SENATE BILL 515

E2, F1, E4
SB 1052/20 – JPR

EMERGENCY BILL

11r0364
CF HB 48

By: **Senator Klausmeier**

Introduced and read first time: January 22, 2021

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Committee amendments withdrawn, March 11, 2021

Senate action: Adopted with substitute committee amendments, March 11, 2021

Read second time: March 11, 2021

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~~ authorizing a student
6 who is a registered sex offender to ~~continue receiving~~ receive a certain education in
7 a certain manner; requiring a county board of education to develop and adopt a policy
8 that enables a student who is a registered sex offender to ~~continue receiving~~ receive
9 a certain education in a certain manner; requiring the State Board of Education to
10 develop and adopt certain guidelines and a certain model policy; defining certain
11 terms; making certain conforming changes; making this Act an emergency measure;
12 and generally relating to registered sex offenders on school property.

13 BY repealing and reenacting, with amendments,
14 Article – Criminal Procedure
15 Section 11–722
16 Annotated Code of Maryland
17 (2018 Replacement Volume and 2020 Supplement)

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

20 **Article – Criminal Procedure**

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 11-722.

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

4 (2) "COUNTY BOARD" HAS THE MEANING STATED IN § 1-101 OF THE
5 EDUCATION ARTICLE.

6 (3) "STATE BOARD" HAS THE MEANING STATED IN § 1-101 OF THE
7 EDUCATION ARTICLE.

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

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

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

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

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

20 [(b)] (C) [A] EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A
21 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) A REGISTRANT WHO IS A STUDENT ~~SHALL CONTINUE RECEIVING~~
5 MAY RECEIVE AN EDUCATION IN ACCORDANCE WITH STATE LAW BY EITHER:

6 ~~(I) PARTICIPATING IN THE HOME AND HOSPITAL TEACHING~~
7 ~~PROGRAM FOR STUDENTS; OR~~

8 ~~(II) ATTENDING A REGIONAL INSTITUTE FOR CHILDREN AND~~
9 ~~ADOLESCENTS~~ IN ANY OF THE FOLLOWING LOCATIONS:

10 (I) A LOCATION OTHER THAN A PUBLIC OR NONPUBLIC
11 ELEMENTARY OR SECONDARY SCHOOL, INCLUDING BY:

12 1. PARTICIPATING IN THE HOME AND HOSPITAL
13 TEACHING PROGRAM FOR STUDENTS; OR

14 2. PARTICIPATING IN OR ATTENDING A PROGRAM
15 APPROVED BY A COUNTY BOARD UNDER PARAGRAPH (2) OF THIS SUBSECTION;

16 (II) A REGIONAL INSTITUTE FOR CHILDREN AND
17 ADOLESCENTS; OR

18 (III) A NONPUBLIC EDUCATIONAL PROGRAM AS PROVIDED BY §
19 8-406 OF THE EDUCATION ARTICLE IF:

20 1. THE REGISTRANT HAS NOTIFIED AN AGENT OR
21 EMPLOYEE OF THE NONPUBLIC EDUCATIONAL PROGRAM THAT THE REGISTRANT IS
22 REQUIRED TO REGISTER UNDER THIS SUBTITLE; AND

23 2. THE REGISTRANT HAS BEEN GIVEN SPECIFIC
24 WRITTEN PERMISSION BY AN AGENT OR EMPLOYEE OF THE NONPUBLIC
25 EDUCATIONAL PROGRAM TO ATTEND THE NONPUBLIC EDUCATIONAL PROGRAM.

26 (2) EACH COUNTY BOARD SHALL DEVELOP AND ADOPT A POLICY
27 THAT ENABLES A REGISTRANT WHO IS A STUDENT TO ~~CONTINUE RECEIVING~~
28 RECEIVE AN EDUCATION AS DESCRIBED UNDER PARAGRAPH (1) OF THIS
29 SUBSECTION.

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

4 **[(d)] (F)** A person who violates **SUBSECTION (C) OR (D) OF** this section is guilty
 5 of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a
 6 fine not exceeding \$5,000 or both.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.