

Chapter 259

(Senate Bill 515)

AN ACT concerning

Criminal Procedure – Registered Sex Offenders – Entry Onto School Property

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

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

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

Article – Criminal Procedure

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

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

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

[(b)] (C) [A] EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A registrant may not knowingly enter onto real property:

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

(2) on which is located:

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

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

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

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

(E) (1) A REGISTRANT WHO IS A STUDENT ~~SHALL CONTINUE RECEIVING~~ MAY RECEIVE AN EDUCATION IN ACCORDANCE WITH STATE LAW BY EITHER:

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, May 18, 2021.