

# HOUSE BILL 948

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By: **Delegates Shoemaker, Beitzel, Boteler, Buckel, Chisholm, Griffith, Hartman, Hornberger, Howard, Krebs, Mangione, Mautz, McComas, McKay, Reilly, Rose, Szeliga, and Thiam**

Introduced and read first time: February 10, 2022

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Sex Offenders – Informal Child Care Services – Prohibition**

3 FOR the purpose of prohibiting registered sex offenders from providing informal child care  
4 services, except under certain circumstances; and generally relating to sex offenders  
5 and informal childcare services.

6 BY repealing and reenacting, with amendments,

7 Article – Criminal Procedure

8 Section 11–722

9 Annotated Code of Maryland

10 (2018 Replacement Volume and 2021 Supplement)

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

13 **Article – Criminal Procedure**

14 11–722.

15 (a) (1) In this section the following words have the meanings indicated.

16 (2) “County board” has the meaning stated in § 1–101 of the Education  
17 Article.

18 (3) “State Board” has the meaning stated in § 1–101 of the Education  
19 Article.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

11 (c) Except as provided in [subsection (e)] **SUBSECTIONS (D) AND (F)** of this  
12 section, a registrant may not knowingly enter onto real property:

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

15 (2) on which is located:

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

18 (ii) a child care home or a child care institution licensed under Title  
19 5, Subtitle 5 of the Family Law Article; or

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

23 **(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**  
24 **REGISTRANT MAY NOT PROVIDE INFORMAL CHILD CARE TO A CHILD THAT DOES NOT**  
25 **RESIDE WITH THE REGISTRANT.**

26 **(2) A REGISTRANT MAY PROVIDE INFORMAL CHILD CARE TO A CHILD**  
27 **THAT DOES NOT RESIDE WITH THE REGISTRANT, IF:**

28 **(I) THE REGISTRANT PROMPTLY NOTIFIES THE PARENT OR**  
29 **GUARDIAN OF THE CHILD THAT THE REGISTRANT IS REQUIRED TO REGISTER UNDER**  
30 **THIS SUBTITLE; AND**

31 **(II) THE REGISTRANT HAS BEEN GIVEN SPECIFIC WRITTEN**  
32 **PERMISSION BY THE PARENT OR GUARDIAN TO PROVIDE INFORMAL CHILD CARE TO**  
33 **THE CHILD.**

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

4            **[(e)] (F)**     (1)    A registrant who is a student may receive an education in  
5 accordance with State law in any of the following locations:

6                            (i)    a location other than a public or nonpublic elementary or  
7 secondary school, including by:

8    1.    participating in the Home and Hospital Teaching Program  
9 for Students; or

10     2.    participating in or attending a program approved by a  
11 county board under paragraph (2) of this subsection;

12                            (ii)   a Regional Institute for Children and Adolescents; or

13                            (iii) a nonpublic educational program as provided by § 8–406 of the  
14 Education Article if:

15     1.    the registrant has notified an agent or employee of the  
16 nonpublic educational program that the registrant is required to register under this  
17 subtitle; and

18     2.    the registrant has been given specific written permission  
19 by an agent or employee of the nonpublic educational program to attend the nonpublic  
20 educational program.

21            (2)    Each county board shall develop and adopt a policy that enables a  
22 registrant who is a student to receive an education as described under paragraph (1) of this  
23 subsection.

24            (3)    The State Board shall develop and adopt guidelines and a model policy  
25 to assist a county board with the development of a policy under paragraph (2) of this  
26 subsection.

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

30            SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2022.