

# SENATE BILL 78

E2, F1

5lr0919

(PRE-FILED)

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By: **Senator Salling**

Requested: September 23, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judicial Proceedings and Education, Energy, and the Environment

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## A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Child Sex Offenders – Juvenile Sex Offender Registry and Prohibition**  
3 **on In-Person School Attendance**

4 FOR the purpose of expanding the acts for which a child adjudicated delinquent is required  
5 to register with the juvenile sex offender registry and supervising authority;  
6 requiring law enforcement agencies and State’s Attorneys to notify schools of certain  
7 information when a child is arrested for a certain offense; prohibiting a child from  
8 in-person attendance at a public school or a nonpublic school that receives State  
9 funds if the child has been convicted or adjudicated delinquent of certain offenses;  
10 requiring each local school system to provide alternative educational options for  
11 children prohibited from in-person attendance in a certain manner; and generally  
12 relating to the juvenile sex offender registry and the prohibition of in-person school  
13 attendance by children convicted or adjudicated delinquent of certain offenses.

14 BY repealing and reenacting, with amendments,  
15 Article – Criminal Procedure  
16 Section 11-704 and 11-704.1  
17 Annotated Code of Maryland  
18 (2018 Replacement Volume and 2024 Supplement)

19 BY repealing and reenacting, without amendments,  
20 Article – Criminal Procedure  
21 Section 11-722(e)  
22 Annotated Code of Maryland  
23 (2018 Replacement Volume and 2024 Supplement)

24 BY repealing and reenacting, without amendments,  
25 Article – Education  
26 Section 7-303(a)(1), (b), and (c)  
27 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2022 Replacement Volume and 2024 Supplement)

2 BY repealing and reenacting, with amendments,  
3 Article – Education  
4 Section 7–303(a)(6)  
5 Annotated Code of Maryland  
6 (2022 Replacement Volume and 2024 Supplement)

7 BY adding to  
8 Article – Education  
9 Section 7–312  
10 Annotated Code of Maryland  
11 (2022 Replacement Volume and 2024 Supplement)

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

14 **Article – Criminal Procedure**

15 11–704.

16 (a) A person shall register with the person’s supervising authority if the person  
17 is:

18 (1) a tier I sex offender;

19 (2) a tier II sex offender;

20 (3) a tier III sex offender; or

21 (4) a sex offender who is required to register by another jurisdiction, a  
22 federal, military, or tribal court, or a foreign government, and who is not a resident of this  
23 State, and who enters this State:

24 (i) to begin residing or to habitually live;

25 (ii) to carry on employment;

26 (iii) to attend a public or private educational institution, including a  
27 secondary school, trade or professional institution, or institution of higher education, as a  
28 full–time or part–time student; or

29 (iv) as a transient.

30 (b) Notwithstanding any other provision of law, a person is no longer subject to  
31 registration under this subtitle if:

1           (1)    the underlying conviction requiring registration is reversed, vacated, or  
2 set aside; or

3           (2)    the registrant is pardoned for the underlying conviction.

4           (c)    (1)    A person who has been adjudicated delinquent for an act that, if  
5 committed by an adult, would constitute a violation of § 3–303 or § 3–304 of the Criminal  
6 Law Article, § 3–305 or § 3–306 of the Criminal Law Article as the sections existed before  
7 October 1, 2017, or § 3–307(a)(1) [or], (2), **OR (3)** or § 3–308(b)(1) of the Criminal Law  
8 Article involving conduct described in § 3–301(e)(2) of the Criminal Law Article, shall  
9 register with the person’s supervising authority if:

10                   (i)    the person was a minor who was at least 13 years old at the time  
11 the delinquent act was committed;

12                   (ii)   the State’s Attorney or the Department of Juvenile Services  
13 requests that the person be required to register;

14                   (iii)  90 days prior to the time the juvenile court’s jurisdiction over the  
15 person terminates under § 3–8A–07 of the Courts Article, the court, after a hearing,  
16 determines under a clear and convincing evidence standard that the person is at significant  
17 risk of committing a sexually violent offense or an offense for which registration as a tier II  
18 sex offender or tier III sex offender is required; and

19                   (iv)   the person is at least 18 years old.

20           (2)    If the person has committed a delinquent act that would cause the court  
21 to make a determination regarding registration under paragraph (1) of this subsection:

22                   (i)    the State’s Attorney shall serve written notice to the person or  
23 the person’s counsel at least 30 days before a hearing to determine if the person is required  
24 to register under this section; and

25                   (ii)   the Department of Juvenile Services shall:

26                           1.    provide the court with any information necessary to make  
27 the determination; and

28                           2.    conduct any follow-up the court requires.

29           (3)    The form of petitions and all other pleadings under this subsection and,  
30 except as otherwise provided under Title 3 of the Courts Article, the procedures to be  
31 followed by the court under this subsection shall be specified in the Maryland Rules.

32           (4)    The court may order an evaluation of the person in making the  
33 determination under paragraph (1) of this subsection.

1 11-704.1.

2 (a) In this section, “juvenile registrant” means a person who is required to be  
3 included in the registry of juvenile sex offenders under subsection (b) of this section.

4 (b) A person shall be included in a registry of juvenile sex offenders that is  
5 maintained by the Department separately from the sex offender registry if:

6 (1) the person has been adjudicated delinquent for an act that, if committed  
7 by an adult:

8 (i) would constitute a violation of § 3-303, § 3-304, or § 3-307(a)(1)  
9 [or], (2), OR (3) of the Criminal Law Article; or

10 (ii) would constitute a violation of § 3-305 or § 3-306(a)(1) or (2) of  
11 the Criminal Law Article as the sections existed before October 1, 2017; and

12 (2) the person was a minor who was at least 14 years old at the time the  
13 delinquent act was committed.

14 (c) The registry of juvenile sex offenders shall be accessible only by law  
15 enforcement personnel for law enforcement purposes.

16 (d) When the juvenile court’s jurisdiction over a juvenile registrant terminates  
17 under § 3-8A-07 of the Courts Article, the juvenile registrant shall be removed from the  
18 registry.

19 (e) A juvenile registrant shall appear in person at a location designated by the  
20 Department of Juvenile Services every 3 months to:

21 (1) update and verify with the Department of Juvenile Services the  
22 information included in the registry of juvenile sex offenders under this section; and

23 (2) allow the Department of Juvenile Services to take a digital image of the  
24 juvenile registrant.

25 11-722.

26 (e) (1) A registrant or juvenile registrant who is a student may receive an  
27 education in accordance with State law in any of the following locations:

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

30 1. participating in the Home and Hospital Teaching Program  
31 for Students; or

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

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

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

6 1. the registrant or juvenile registrant has notified an agent  
7 or employee of the nonpublic educational program that the registrant or juvenile registrant  
8 is required to register under this subtitle; and

9 2. the registrant or juvenile registrant has been given  
10 specific written permission by an agent or employee of the nonpublic educational program  
11 to attend the nonpublic educational program.

12 (2) Each county board shall develop and adopt a policy that enables a  
13 registrant or juvenile registrant who is a student to receive an education as described under  
14 paragraph (1) of this subsection.

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

18 **Article – Education**

19 7–303.

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

21 (6) “Reportable offense” means an offense that:

22 (i) Occurred off school premises;

23 (ii) Did not occur at an event sponsored by the school; and

24 (iii) Involved any of the following:

25 1. A crime of violence, as defined in § 14–101 of the Criminal  
26 Law Article;

27 2. Any of the offenses enumerated in [~~§ 3–8A–03(e)(4)~~] **§**  
28 **3–8A–03(D)(4)** of the Courts Article;

29 3. A violation of § 4–101, § 4–102, § 4–203, or § 4–204 of the  
30 Criminal Law Article;

1 4. A violation of § 5-602, § 5-603, § 5-604, § 5-605, § 5-606,  
2 § 5-607, § 5-608, § 5-608.1, § 5-609, § 5-612, § 5-613, § 5-614, § 5-617, § 5-618, § 5-627,  
3 or § 5-628 of the Criminal Law Article;

4 5. A violation of § 4-503, § 9-504, or § 9-505 of the Criminal  
5 Law Article;

6 6. A violation of § 6-102, § 6-103, § 6-104, or § 6-105 of the  
7 Criminal Law Article;

8 7. A violation of § 9-802 or § 9-803 of the Criminal Law  
9 Article;

10 8. A violation of § 3-203 of the Criminal Law Article;

11 9. A violation of § 6-301 of the Criminal Law Article;

12 10. A violation of § 9-302, § 9-303, or § 9-305 of the Criminal  
13 Law Article;

14 11. A violation of § 7-105 of the Criminal Law Article;

15 12. A violation of § 6-202 of the Criminal Law Article; [or]

16 13. A violation of § 10-606 of the Criminal Law Article; **OR**

17 **14. A VIOLATION OF § 3-307(A)(1), (2), OR (3) OF THE**  
18 **CRIMINAL LAW ARTICLE.**

19 (b) If a student is arrested for a reportable offense or an offense that is related to  
20 the student's membership in a criminal organization, the law enforcement agency making  
21 the arrest:

22 (1) Shall notify the following individuals of the arrest and the charges  
23 within 24 hours of the arrest or as soon as practicable:

24 (i) The local superintendent;

25 (ii) The school principal; and

26 (iii) For a school that has a school security officer, the school security  
27 officer; and

28 (2) May notify the State's Attorney of the arrest and charges.

1 (c) The State's Attorney shall promptly notify either the local superintendent or  
2 the school principal of the disposition of the reportable offense required to be reported under  
3 subsection (b) of this section.

4 **7-312.**

5 (A) IF A CHILD HAS BEEN CONVICTED OR ADJUDICATED DELINQUENT OF  
6 RAPE OR A SEXUAL OFFENSE THAT, IF COMMITTED BY AN ADULT, WOULD  
7 CONSTITUTE A FELONY, THE CHILD IS PROHIBITED FROM IN-PERSON ATTENDANCE  
8 AT A PUBLIC SCHOOL OR A NONPUBLIC SCHOOL THAT RECEIVES STATE FUNDS.

9 (B) (1) EACH LOCAL SCHOOL SYSTEM SHALL PROVIDE ALTERNATIVE  
10 EDUCATIONAL OPTIONS FOR CHILDREN PROHIBITED FROM IN-PERSON  
11 ATTENDANCE UNDER SUBSECTION (A) OF THIS SECTION.

12 (2) THE ALTERNATIVE EDUCATIONAL OPTIONS PROVIDED UNDER  
13 THIS SUBSECTION SHALL ALIGN WITH THE REQUIRED POLICY ADOPTED BY COUNTY  
14 BOARDS UNDER § 11-722(E) OF THE CRIMINAL PROCEDURE ARTICLE.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
16 1, 2025.