

SENATE BILL 508

E4, O4, F1

5lr1543
CF 5lr1483

By: **Senators Hough, Cassilly, King, Lee, Ramirez, Raskin, Waugh, and Ready**
Introduced and read first time: February 6, 2015
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Children – Child Care Facilities, Public Schools, and Nonpublic Schools –**
3 **Contractors and Subcontractors**

4 FOR the purpose of prohibiting certain county boards of education and certain nonpublic
5 schools from allowing certain individuals to hire or retain certain individuals who
6 have been convicted of certain crimes; adding certain contractors and subcontractors
7 who have certain access to certain children to the list of individuals required to
8 obtain a certain criminal history records check; amending a certain definition of
9 “employee” to include certain contractors and subcontractors who have certain access
10 to certain children; making certain stylistic changes; and generally relating to
11 contractors and subcontractors who work with or have access to children.

12 BY repealing and reenacting, with amendments,
13 Article – Education
14 Section 2–206.1 and 6–113
15 Annotated Code of Maryland
16 (2014 Replacement Volume and 2014 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article – Family Law
19 Section 5–560(a) and (d) and 5–561(b)
20 Annotated Code of Maryland
21 (2012 Replacement Volume and 2014 Supplement)

22 BY adding to
23 Article – Family Law
24 Section 5–561(a)
25 Annotated Code of Maryland
26 (2012 Replacement Volume and 2014 Supplement)

27 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 Article – Family Law
2 Section 5–561(a)
3 Annotated Code of Maryland
4 (2012 Replacement Volume and 2014 Supplement)

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

7 **Article – Education**

8 2–206.1.

9 (a) A nonpublic school that is subject to the requirements of this title may not hire
10 or retain [any employee] **AN INDIVIDUAL OR ALLOW A CONTRACTOR OR**
11 **SUBCONTRACTOR FOR THE NONPUBLIC SCHOOL TO HIRE OR RETAIN AN INDIVIDUAL**
12 who works with or has access to students and who the school knows has been convicted of
13 a crime involving:

14 (1) An offense under § 3–307 of the Criminal Law Article;

15 (2) Child sexual abuse under § 3–602 of the Criminal Law Article, or an
16 offense under the laws of another state that would constitute child sexual abuse under §
17 3–602 of the Criminal Law Article if committed in this State; or

18 (3) A crime of violence as defined in § 14–101 of the Criminal Law Article,
19 or an offense under the laws of another state that would be a violation of § 14–101 of the
20 Criminal Law Article if committed in this State.

21 (b) The State Board shall revoke the certificate of approval or letter of tentative
22 approval of a nonpublic school that violates this section.

23 6–113.

24 A county board may not knowingly hire or retain [any] **AN individual OR ALLOW A**
25 **CONTRACTOR OR SUBCONTRACTOR FOR THE LOCAL SCHOOL SYSTEM TO**
26 **KNOWINGLY HIRE OR RETAIN AN INDIVIDUAL** who has been convicted of a crime
27 involving:

28 (1) An offense under § 3–307 of the Criminal Law Article;

29 (2) Child sexual abuse under § 3–602 of the Criminal Law Article, or an
30 offense under the laws of another state that would constitute child sexual abuse under §
31 3–602 of the Criminal Law Article if committed in this State; or

1 (b) The following facilities shall require employees and employers to obtain a
2 criminal history records check under this Part VI of this subtitle:

3 (1) a child care center required to be licensed under Part VII of this
4 subtitle;

5 (2) a family child care home or large family child care home required to be
6 registered under Part V of this subtitle;

7 (3) a child care home required to be licensed under this subtitle or under
8 Title 9 of the Human Services Article;

9 (4) a child care institution required to be licensed under this subtitle or
10 under Title 9 of the Human Services Article;

11 (5) a juvenile detention, correction, or treatment facility provided for in
12 Title 9 of the Human Services Article;

13 (6) a public school as defined in Title 1 of the Education Article;

14 (7) a private or nonpublic school required to report annually to the State
15 Board of Education under Title 2 of the Education Article;

16 (8) a foster care family home or group facility as defined under this subtitle;

17 (9) a recreation center or recreation program operated by the State, a local
18 government, or a private entity primarily serving minors;

19 (10) a day or residential camp, as defined in Title 10, Subtitle 16 of the Code
20 of Maryland Regulations, primarily serving minors; or

21 (11) a home health agency or residential service agency licensed by the
22 Department of Health and Mental Hygiene and authorized under Title 19 of the Health –
23 General Article to provide home– or community–based health services for minors.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
25 1, 2015.