

# HOUSE BILL 1186

E2, G1

6lr2528

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By: **Delegates Angel, Atterbeary, D. Barnes, Fennell, Frush, Luedtke, Oaks, Proctor, Sample–Hughes, Sanchez, Walker, and A. Washington**

Introduced and read first time: February 12, 2016

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Sex Offender Registrants – School Polling Place – Alternative**

3 FOR the purpose of prohibiting a sex offender registrant from knowingly entering onto the  
4 real property of a school on an election day in the State in order to vote; authorizing  
5 a sex offender registrant whose polling place is a school or a place of worship with a  
6 school on its property to apply to the local board of elections for an alternative polling  
7 place or an absentee ballot; and generally relating to sex offender registrants.

8 BY repealing and reenacting, with amendments,

9 Article – Criminal Procedure

10 Section 11–722(a)

11 Annotated Code of Maryland

12 (2008 Replacement Volume and 2015 Supplement)

13 BY repealing and reenacting, without amendments,

14 Article – Criminal Procedure

15 Section 11–722(b)

16 Annotated Code of Maryland

17 (2008 Replacement Volume and 2015 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – Election Law

20 Section 10–102

21 Annotated Code of Maryland

22 (2010 Replacement Volume and 2015 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

24 That the Laws of Maryland read as follows:

25 **Article – Criminal Procedure**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 11-722.

2 (a) This section does not apply to a registrant who enters real property[:]

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

5 [(i)] (1) within the past year the registrant has been given the  
6 specific written permission of the Superintendent of Schools, the local school board, the  
7 principal of the school, or the owner or operator of the registered family child care home,  
8 licensed child care home, or licensed child care institution, as applicable; and

9 [(ii)] (2) the registrant promptly notifies an agent or employee of  
10 the school, home, or institution of the registrant's presence and purpose of visit[; or

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

14 (b) A registrant may not knowingly enter onto real property:

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

17 (2) on which is located:

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

20 (ii) a child care home or a child care institution licensed under Title  
21 5, Subtitle 5 of the Family Law Article; or

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

## 25 Article - Election Law

26 10-102.

27 (a) (1) If the polling place assigned to an elderly or disabled voter is not  
28 structurally barrier free, the voter may request a reassignment by the local board.

29 (2) **IF THE POLLING PLACE ASSIGNED TO A VOTER WHO IS SUBJECT**  
30 **TO THE REGISTRATION REQUIREMENTS UNDER TITLE 11, SUBTITLE 7 OF THE**

1 **CRIMINAL PROCEDURE ARTICLE IS A SCHOOL OR A PLACE OF WORSHIP WITH A**  
2 **SCHOOL ON ITS PROPERTY, THE VOTER MAY REQUEST A REASSIGNMENT BY THE**  
3 **LOCAL BOARD.**

4 (b) (1) To qualify for a reassignment by the local board, the voter shall submit  
5 a request in writing to the local board not later than the close of registration for the election.

6 (2) The request may be made on a form prescribed by the State Board.

7 (c) On receipt of a request from [an elderly or disabled] A voter under subsection  
8 (b) of this section, the local board shall [either]:

9 (1) assign the voter to an election district, ward, or precinct in the voter's  
10 county that:

11 (I) **FOR AN ELDERLY OR DISABLED VOTER,** contains a  
12 structurally barrier free polling place; or

13 (II) **FOR A VOTER WHO IS SUBJECT TO THE REGISTRATION**  
14 **REQUIREMENTS UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE**  
15 **ARTICLE, IS NOT A SCHOOL OR A PLACE OF WORSHIP WITH A SCHOOL ON ITS**  
16 **PROPERTY; OR**

17 (2) issue the voter an absentee ballot in accordance with the procedures  
18 established under Title 9, Subtitle 3 of this article.

19 (d) Any ballot issued to a voter under subsection (c)(2) of this section shall be  
20 identical to the ballot used in the polling place originally assigned to the voter.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2016.