

~~(2) Any person who has legal custody or care and control of a child who is 5 years old or older and under 16 who fails to see that the child attends school or receives instruction under this section is guilty of a misdemeanor and:~~

~~(i) For a first conviction is subject to a fine not to exceed \$50 per day of unlawful absence or imprisonment not to exceed 10 days, or both; and~~

~~(ii) For a second or subsequent conviction is subject to a fine not to exceed \$100 per day of unlawful absence or imprisonment not to exceed 30 days, or both.~~

~~(3) As to any sentence imposed under this section, the court may suspend the fine or the prison sentence and establish terms and conditions which would promote the child's attendance. The suspension authority provided for in this subsection is in addition to and not in limitation of the suspension authority under § 6-221 of the Criminal Procedure Article.~~

~~(e-1) (1) This subsection applies only in Dorchester County, Somerset County, Wicomico County, and Worcester County.~~

~~(2) A charge under this section may be filed in the juvenile court and assigned to a truancy docket for disposition under Title 3, Subtitle 8C of the Courts Article.~~

~~(3) For a person with legal custody or care and control of a child at the time of an alleged violation of this section, it is an affirmative defense to a charge under this section that the person made reasonable and substantial efforts to see that the child attended school as required by law but was unable to cause the child to attend school.~~

~~(4) If the court finds the affirmative defense is valid, the court shall dismiss the charge under this section against the defendant.~~

~~(f) A child may be exempted from attending kindergarten if a parent or guardian of the child files a written request with the local school system and verifies that the child is enrolled:~~

~~(1) Full time in a licensed child care center;~~

~~(2) Full time in a registered family day care home; or~~

~~(3) Part time in a Head Start 5 year old program.~~

~~(g) Kindergarten programs are not subject to the requirements of § 7-103(a) of this title relating to minimum days or hours of operation.~~

SECTION 2. AND BE IT FURTHER ENACTED, That:

~~(a) The State Board of Education, in conjunction with the Baltimore City Board of School Commissioners, shall study over a 3 year period whether an increased age range for compulsory public school attendance in Baltimore City.~~