

HOUSE BILL 27

F1, E4
HB 1649/20 – HRU

EMERGENCY BILL
(PRE-FILED)

11r0861

By: **Delegate Long**

Requested: October 6, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Reporting Arrests of Students – Alterations**

3 FOR the purpose of requiring a certain law enforcement agency to report a certain arrest
4 of a certain student to the Maryland Center for School Safety, the State Board of
5 Education, and the State’s Attorney; requiring the State’s Attorney to notify the
6 Maryland Center for School Safety and the State Board of the disposition of a certain
7 reportable offense; authorizing the Maryland Center for School Safety and the State
8 Board to transmit certain information to a certain county superintendent of schools
9 or a certain nonpublic school in a certain manner under certain circumstances;
10 requiring a county superintendent to provide a certain notice to the Maryland Center
11 for School Safety and the State Board under certain circumstances; making
12 conforming changes; making this Act an emergency measure; and generally relating
13 to reporting arrests of students attending public and nonpublic schools in the State.

14 BY repealing and reenacting, with amendments,
15 Article – Education
16 Section 7–303
17 Annotated Code of Maryland
18 (2018 Replacement Volume and 2020 Supplement)

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

21 **Article – Education**

22 7–303.

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

24 (2) “Criminal organization” has the meaning stated in § 9–801 of the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Criminal Law Article.

2 (3) “Law enforcement agency” means the law enforcement agencies listed
3 in § 3–101(e) of the Public Safety Article.

4 (4) “Local school system” means the schools and school programs under the
5 supervision of the local superintendent.

6 (5) “Local superintendent” means:

7 (i) The county superintendent, for the county in which a student is
8 enrolled, or a designee of the superintendent, who is an administrator; or

9 (ii) The superintendent of schools for the:

10 1. Archdiocese of Baltimore;

11 2. Archdiocese of Washington; and

12 3. Catholic Diocese of Wilmington.

13 (6) “Reportable offense” means:

14 (i) A crime of violence, as defined in § 14–101 of the Criminal Law
15 Article;

16 (ii) Any of the offenses enumerated in § 3–8A–03(d)(4) of the Courts
17 Article;

18 (iii) A violation of § 4–101, § 4–102, § 4–203, or § 4–204 of the
19 Criminal Law Article;

20 (iv) A violation of § 5–602, § 5–603, § 5–604, § 5–605, § 5–606, §
21 5–607, § 5–608, § 5–608.1, § 5–609, § 5–612, § 5–613, § 5–614, § 5–617, § 5–618, § 5–627,
22 or § 5–628 of the Criminal Law Article;

23 (v) A violation of § 4–503, § 9–504, or § 9–505 of the Criminal Law
24 Article;

25 (vi) A violation of § 6–102, § 6–103, § 6–104, or § 6–105 of the
26 Criminal Law Article;

27 (vii) A violation of § 9–802 or § 9–803 of the Criminal Law Article;

28 (viii) A violation of § 3–203 of the Criminal Law Article;

29 (ix) A violation of § 6–301 of the Criminal Law Article;

1 (x) A violation of § 9–302, § 9–303, or § 9–305 of the Criminal Law
2 Article;

3 (xi) A violation of § 7–105 of the Criminal Law Article;

4 (xii) A violation of § 6–202 of the Criminal Law Article; or

5 (xiii) A violation of § 10–606 of the Criminal Law Article.

6 (7) “School principal” means the principal of the public or nonpublic school
7 in which a student is enrolled, or a designee of the principal, who is an administrator.

8 (8) (i) “School security officer” includes a school principal, another
9 school administrator, a law enforcement officer, or other individual employed by a local
10 school system or a local government who is designated by the county superintendent or a
11 school principal to help maintain the security and safety of a school.

12 (ii) “School security officer” does not include a teacher.

13 (9) “Student” means an individual enrolled in a public school system or
14 nonpublic school in the State who is 5 years of age or older and under 22 years of age.

15 (b) If a student is arrested for a reportable offense or an offense that is related to
16 the student’s membership in a criminal [gang] ORGANIZATION, the law enforcement
17 agency making the arrest[:

18 (1) Shall] SHALL notify the following [individuals] PERSONS of the arrest
19 and the charges within 24 hours of the arrest or as soon as practicable:

20 [(i)] (1) The local superintendent;

21 [(ii)] (2) The school principal; [and]

22 [(iii)] (3) For a school that has a school security officer, the school
23 security officer; [and]

24 (4) THE MARYLAND CENTER FOR SCHOOL SAFETY;

25 (5) THE STATE BOARD; AND

26 [(2)] (6) [May notify the] THE State’s Attorney [of the arrest and
27 charges].

28 (c) The State’s Attorney shall promptly notify [either] the local superintendent
29 [or], the school principal, THE MARYLAND CENTER FOR SCHOOL SAFETY, AND THE

1 **STATE BOARD** of the disposition of the reportable offense required to be reported under
2 subsection (b) of this section.

3 (d) Except by order of a juvenile court or other court upon good cause shown, the
4 information obtained by [an individual] **A PERSON** pursuant to subsections (b) and (c) of
5 this section:

6 (1) Is confidential and may not be redisclosed by subpoena or otherwise
7 except as provided pursuant to subsections (e) [and], (f), **AND (G)** of this section; and

8 (2) May not be made part of the student's permanent educational record.

9 (e) (1) Notwithstanding the provisions of subsection (d) of this section, nothing
10 shall prohibit a local superintendent [or], A school principal, **THE MARYLAND CENTER**
11 **FOR SCHOOL SAFETY, OR THE STATE BOARD** from transmitting the information
12 obtained pursuant to subsections (b) and (c) of this section as a confidential file to the local
13 superintendent of another public school system in the State or another nonpublic school in
14 the State in which the student has enrolled or been transferred in order to carry out the
15 purposes of this section if the disposition of the reportable offense was a conviction or an
16 adjudication of delinquency or the criminal charge or delinquency petition is still pending.

17 (2) A local superintendent or school principal who transmits information
18 about a student under this subsection shall include in the transmittal information
19 regarding any educational programming and related services provided to the student.

20 **(F) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (D) OF THIS**
21 **SECTION, A LOCAL SUPERINTENDENT SHALL NOTIFY THE MARYLAND CENTER FOR**
22 **SCHOOL SAFETY AND THE STATE BOARD WHEN A STUDENT WHOSE INFORMATION**
23 **HAS BEEN OBTAINED UNDER SUBSECTION (B) OF THIS SECTION NO LONGER RESIDES**
24 **WITHIN THE JURISDICTION OF THE COUNTY BOARD.**

25 **[(f) (G)** The State Board shall adopt regulations to ensure that information
26 obtained by a local superintendent, a school principal, [or] a school security officer, **THE**
27 **MARYLAND CENTER FOR SCHOOL SAFETY, OR THE STATE BOARD** under subsections
28 (b), (c), [and] (e), **AND (F)** of this section is:

29 (1) Used to provide appropriate educational programming and related
30 services to the student and to maintain a safe and secure school environment for students
31 and school personnel;

32 (2) Transmitted only to school personnel of the school in which the student
33 is enrolled, **THE MARYLAND CENTER FOR SCHOOL SAFETY, OR THE STATE BOARD** as
34 necessary to carry out the purposes set forth in item (1) of this subsection; and

35 (3) Destroyed when the student graduates or otherwise permanently
36 leaves school or turns 22 years old, whichever occurs first.

1 **[(g)] (H)** (1) Except as otherwise provided in paragraph (2) of this subsection,
2 the local superintendent and the school principal shall consider prohibiting a student who
3 is arrested for a reportable offense involving rape or a sexual offense from attending the
4 same school or riding on the same school bus as the alleged victim of the reportable offense
5 if such action is necessary or appropriate to protect the physical or psychological well-being
6 of the alleged victim.

7 (2) If a student is arrested for a reportable offense involving rape or a
8 sexual offense and is convicted of or adjudicated delinquent for the rape or sexual offense,
9 the student may not attend the same school or ride on the same school bus as the victim.

10 **[(h)] (I)** Nothing in this section is intended to limit the manner in which a local
11 school obtains information or uses information obtained by any lawful means other than
12 that set forth in subsections (b), (c), **[and] (e), AND (F)** of this section.

13 **[(i)] (J)** Each public school that enrolls students in grades six through twelve in
14 the State shall designate at least one school security officer.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
16 measure, is necessary for the immediate preservation of the public health or safety, has
17 been passed by a ye and nay vote supported by three-fifths of all the members elected to
18 each of the two Houses of the General Assembly, and shall take effect from the date it is
19 enacted.