

# SENATE BILL 165

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9lr0148  
CF HB 148

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By: **The President (By Request – Administration) and Senators Bailey, Carozza, Cassilly, Eckardt, Edwards, Gallion, Hershey, Hough, Jennings, Ready, Salling, Serafini, Simonaire, and West**

Introduced and read first time: January 21, 2019

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 11, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Safe Schools Maryland Act of 2019**

3 FOR the purpose of establishing the Safe Schools Maryland Program in the Maryland  
4 Center for School Safety; providing for the purpose of the program; requiring the  
5 School Safety Subcabinet to develop certain program guidance on or before a certain  
6 date; authorizing local school systems and certain schools to elect to participate in  
7 the program; requiring a local school system or school that elects to participate in  
8 the program to follow certain program guidance; requiring the Center to perform  
9 certain tasks related to the program; providing that certain documents and  
10 information are confidential and may be released only under certain circumstances;  
11 providing that certain documents and information are not subject to the Maryland  
12 Public Information Act; authorizing certain documents and information to be  
13 provided to certain persons under certain circumstances; providing that certain  
14 entities may not compel disclosure of certain documents and information;  
15 authorizing a court to compel disclosure of certain documents and information if  
16 certain evidentiary requirements are met; prohibiting a person from willfully  
17 disclosing a document or information in violation of this Act; establishing certain  
18 penalties for a certain violation of this Act; prohibiting a person from being subject  
19 to criminal prosecution or civil liability for good faith actions relating to report or  
20 receipt of documents or information under the program; requiring the Subcabinet,  
21 beginning in a certain year, to submit a certain report to the Governor and the  
22 General Assembly on or before a certain date each year; defining ~~a certain term~~  
23 terms; and generally relating to the Safe Schools Maryland Program.

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to  
 2 Article – Education  
 3 Section 7–1513  
 4 Annotated Code of Maryland  
 5 (2018 Replacement Volume and 2018 Supplement)

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

8 **Article – Education**

9 **7–1513.**

10 (A) (1) **IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS**  
 11 **INDICATED.**

12 (2) **“PROGRAM PROGRAM” MEANS THE SAFE SCHOOLS MARYLAND**  
 13 **PROGRAM.**

14 (3) **“SCHOOL” INCLUDES A PUBLIC SCHOOL AND A NONPUBLIC**  
 15 **SCHOOL.**

16 (B) **THERE IS A SAFE SCHOOLS MARYLAND PROGRAM IN THE CENTER.**

17 (C) (1) **THE PURPOSE OF THE PROGRAM IS TO ESTABLISH PROCEDURES**  
 18 **FOR ANONYMOUS REPORTING OF BEHAVIORS OF CONCERN AND OTHER**  
 19 **DANGEROUS, VIOLENT, OR UNLAWFUL ACTIVITIES, OR THE THREAT OF THESE**  
 20 **ACTIVITIES, INVOLVING ONE OR MORE STUDENTS.**

21 (2) **LOCAL SCHOOL SYSTEMS OR SCHOOLS MAY ELECT TO**  
 22 **PARTICIPATE IN THE PROGRAM.**

23 (D) (1) **ON OR BEFORE SEPTEMBER 1, 2019, THE SUBCABINET SHALL**  
 24 **DEVELOP PROGRAM GUIDANCE FOR IMPLEMENTATION OF THE PROGRAM IN LOCAL**  
 25 **SCHOOL SYSTEMS OR SCHOOLS.**

26 (2) **A LOCAL SCHOOL SYSTEM OR SCHOOL THAT ELECTS TO**  
 27 **PARTICIPATE IN THE PROGRAM SHALL FOLLOW PROGRAM GUIDANCE DEVELOPED**  
 28 **BY THE SUBCABINET.**

29 (E) **THE CENTER SHALL:**

30 (1) **TRAIN PERSONNEL IN LOCAL SCHOOL SYSTEMS AND ~~INDIVIDUAL~~**  
 31 **SCHOOLS, LAW ENFORCEMENT, PUBLIC SAFETY ANSWERING POINT PERSONNEL,**

1 AND OTHER ENTITIES, AS DETERMINED BY THE CENTER, ON THE PROGRAM AND  
2 APPROPRIATE RESPONSES TO INFORMATION PROVIDED TO THE PROGRAM;

3 (2) PROVIDE PROGRAM AWARENESS AND EDUCATIONAL MATERIALS  
4 FOR LOCAL SCHOOL SYSTEMS AND SCHOOLS TO DISTRIBUTE TO STUDENT GROUPS  
5 AND PARENT OR COMMUNITY ORGANIZATIONS;

6 (3) DEVELOP TRAINING CURRICULUM AND TEACHING MATERIALS  
7 FOR A TRAIN-THE-TRAINER PROGRAM; AND

8 (4) CONDUCT TRAINING IN ALL GEOGRAPHIC REGIONS OF THE  
9 STATE.

10 (F) (1) ~~A~~ THIS SUBSECTION APPLIES TO A DOCUMENT SENT TO, OR  
11 INFORMATION REPORTED UNDER, THE PROGRAM THAT IS IN POSSESSION OF:

12 (I) THE CENTER, A LOCAL SCHOOL SYSTEM, OR A SCHOOL  
13 UNDER THE PROGRAM;

14 (II) A PERSON DESCRIBED UNDER PARAGRAPH (3) OF THIS  
15 SUBSECTION; OR

16 (III) A PERSON AUTHORIZED TO POSSESS THE DOCUMENT OR  
17 INFORMATION UNDER REGULATIONS ADOPTED BY THE SUBCABINET.

18 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A  
19 DOCUMENT SENT TO OR INFORMATION REPORTED TO THE CENTER ~~OR~~, A LOCAL  
20 SCHOOL SYSTEM, OR A SCHOOL UNDER THE PROGRAM:

21 (I) IS CONFIDENTIAL AND MAY NOT BE RELEASED EXCEPT AS  
22 PROVIDED IN REGULATIONS; AND

23 (II) IS NOT SUBJECT TO DISCLOSURE UNDER THE MARYLAND  
24 PUBLIC INFORMATION ACT.

25 (3) IF THERE ARE REASONABLE GROUNDS TO BELIEVE THAT AN  
26 INDIVIDUAL IS A DANGER TO THE INDIVIDUAL, ANOTHER INDIVIDUAL, OR PUBLIC  
27 SAFETY, THE CENTER, A LOCAL SCHOOL SYSTEM, OR A SCHOOL MAY PROVIDE A  
28 DOCUMENT SENT TO, OR INFORMATION REPORTED UNDER, THE PROGRAM TO THE  
29 FOLLOWING PERSONS IN THE PERFORMANCE OF THE PERSON'S DUTIES:

30 (I) A FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT  
31 AGENCY;

1                   **(II) THE MARYLAND EMERGENCY MANAGEMENT AGENCY OR**  
2 **LOCAL ORGANIZATIONS FOR EMERGENCY MANAGEMENT; AND**

3                   **(III) A HEALTH CARE PROFESSIONAL FOR PURPOSES OF**  
4 **PROVIDING TREATMENT TO THE INDIVIDUAL.**

5                   ~~(2)~~ **(4) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**  
6 **PARAGRAPH, ANY JUDICIAL, LEGISLATIVE, OR ADMINISTRATIVE BODY, OR ANY**  
7 **OTHER ENTITY THAT HAS THE POWER TO ISSUE SUBPOENAS MAY NOT COMPEL ANY**  
8 **PERSON TO DISCLOSE A DOCUMENT OR INFORMATION REPORTED TO THE PROGRAM.**

9                   **(II) A COURT MAY COMPEL DISCLOSURE OF A DOCUMENT OR**  
10 **INFORMATION REPORTED TO THE PROGRAM IF THE COURT FINDS THAT THE PARTY**  
11 **SEEKING DISCLOSURE HAS ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE**  
12 **THAT:**

13                   1. **THE DOCUMENT OR INFORMATION IS RELEVANT TO A**  
14 **SIGNIFICANT LEGAL ISSUE BEFORE ANY JUDICIAL, LEGISLATIVE, OR**  
15 **ADMINISTRATIVE BODY, OR ANY ENTITY THAT HAS THE POWER TO ISSUE**  
16 **SUBPOENAS;**

17                   2. **THE DOCUMENT OR INFORMATION COULD NOT, WITH**  
18 **DUE DILIGENCE, BE OBTAINED BY ALTERNATE MEANS; AND**

19                   3. **THERE IS AN OVERRIDING PUBLIC INTEREST IN**  
20 **DISCLOSURE.**

21                   ~~(3)~~ **(5) A PERSON WHO WILLFULLY DISCLOSES A DOCUMENT OR**  
22 **INFORMATION TO ANOTHER PERSON IN VIOLATION OF THIS SUBSECTION IS GUILTY**  
23 **OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO IMPRISONMENT NOT**  
24 **EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

25                   **(G) A PERSON WHO ACTS WITH REASONABLE CARE AND IN ACCORDANCE**  
26 **WITH ALL APPLICABLE REGULATIONS, PROCEDURES, AND PROGRAM GUIDANCE IS**  
27 **NOT SUBJECT TO CRIMINAL PROSECUTION OR CIVIL LIABILITY FOR GOOD FAITH**  
28 **ACTIONS RELATING TO REPORT OR RECEIPT OF DOCUMENTS OR INFORMATION**  
29 **UNDER THE PROGRAM.**

30                   **(H) (1) ON OR BEFORE JULY 15 EACH YEAR, BEGINNING IN 2020, THE**  
31 **SUBCABINET SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH §**  
32 **2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.**

33                   **(2) THE REPORT SHALL INCLUDE:**

1                   **(I) THE NUMBER OF REPORTS SUBMITTED TO THE PROGRAM;**

2                   **(II) A SUMMARY OF THE DATES, TIMES, AND MEANS OF**  
3 **REPORTS;**

4                   **(III) A SUMMARY OF THE NATURE OF REPORTS IN CATEGORIES**  
5 **ESTABLISHED BY THE SUBCABINET; AND**

6                   **(IV) A SUMMARY OF ACTIONS TAKEN BY THE CENTER ~~OR~~, LOCAL**  
7 **SCHOOL SYSTEM, OR SCHOOL ON RECEIPT OF REPORTS.**

8                   **(I) THE SUBCABINET MAY ADOPT REGULATIONS FOR THE**  
9 **ADMINISTRATION OF THE PROGRAM.**

10                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
11 1, 2019.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.