

SENATE BILL 576

F1
SB 519/08 – EHE

9lr2518

By: **Senator Salling**

Introduced and read first time: February 4, 2019

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Student Victim of Violent Crime – Option to Transfer or Require Offender to**
3 **Transfer Schools**

4 FOR the purpose of requiring a county superintendent of schools to provide certain notice
5 to a student who is the victim of certain crimes or acts committed by another student
6 under certain circumstances; requiring a county superintendent to transfer a certain
7 student after a certain determination; requiring the State Board of Education to
8 adopt certain regulations; requiring the State Board to certify to the United States
9 Secretary of Education that the State is in compliance with a certain federal law and
10 a certain State regulation; defining certain terms; and generally relating to transfer
11 policies concerning students who are victims of violent crimes or certain delinquent
12 acts.

13 BY adding to
14 Article – Education
15 Section 7–303.2
16 Annotated Code of Maryland
17 (2018 Replacement Volume and 2018 Supplement)

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

20 **Article – Education**

21 **7–303.2.**

22 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
23 INDICATED.

24 (2) “OFFENDER” MEANS A STUDENT WHO HAS BEEN:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (I) CONVICTED OF A VIOLENT CRIME; OR

2 (II) FOUND TO HAVE COMMITTED A DELINQUENT ACT THAT
3 WOULD BE A VIOLENT CRIME IF COMMITTED BY AN ADULT.

4 (3) "VICTIM" MEANS A STUDENT WHO SUFFERS ACTUAL OR
5 THREATENED PHYSICAL HARM AS A RESULT OF A VIOLENT CRIME OR A DELINQUENT
6 ACT THAT WOULD BE A VIOLENT CRIME IF COMMITTED BY AN ADULT.

7 (4) "VICTIM'S REPRESENTATIVE" HAS THE MEANING STATED IN §
8 11-104 OF THE CRIMINAL PROCEDURE ARTICLE.

9 (5) "VIOLENT CRIME":

10 (I) MEANS A CRIME OF VIOLENCE AS DEFINED IN § 14-101 OF
11 THE CRIMINAL LAW ARTICLE; AND

12 (II) INCLUDES A DELINQUENT ACT THAT WOULD BE A VIOLENT
13 CRIME IF COMMITTED BY AN ADULT.

14 (B) FOR AN OFFENDER WHO HAS COMMITTED A VIOLENT CRIME AGAINST A
15 VICTIM DURING A REGULAR SCHOOL DAY OR AT A SCHOOL-SPONSORED EVENT,
16 WHILE IN TRANSIT TO OR FROM A SCHOOL OR A SCHOOL-SPONSORED EVENT, OR ON
17 SCHOOL GROUNDS, A COUNTY SUPERINTENDENT SHALL PROMPTLY:

18 (1) NOTIFY THE VICTIM OR VICTIM'S REPRESENTATIVE OF THE
19 VICTIM'S RIGHTS UNDER THIS SECTION; AND

20 (2) AS DETERMINED BY THE VICTIM OR THE VICTIM'S
21 REPRESENTATIVE:

22 (I) TRANSFER THE VICTIM TO ANOTHER SAFE PUBLIC
23 ELEMENTARY, SECONDARY, OR CHARTER SCHOOL WITHIN THE COUNTY SCHOOL
24 SYSTEM; OR

25 (II) UNLESS THE OFFENDER IS EXPELLED, TRANSFER THE
26 OFFENDER TO ANOTHER PUBLIC ELEMENTARY, SECONDARY, OR CHARTER SCHOOL
27 WITHIN THE COUNTY SCHOOL SYSTEM.

28 (C) THE STATE BOARD SHALL ADOPT REGULATIONS NECESSARY TO CARRY
29 OUT THE PROVISIONS OF THIS SECTION.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of Education
2 shall certify in writing to the United States Secretary of Education that the State is in
3 compliance with 20 U.S.C. § 7912 with the passage of this Act and COMAR 13A.08.01.20.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
5 1, 2019.