

SENATE BILL 836

F1, E2

0lr2904
CF 0lr2445

By: **Senators Lenett, Frosh, Garagiola, King, Madaleno, Pugh, ~~and Raskin~~
Raskin, and Forehand**

Introduced and read first time: February 10, 2010

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 31, 2010

CHAPTER _____

1 AN ACT concerning

2 **Education – Students Arrested for Reportable Offenses – ~~Prohibition Against~~
3 Attending School or Riding the Bus with Victim**

4 FOR the purpose of ~~authorizing~~ requiring a local school superintendent and a school
5 principal to ~~prohibit~~ consider prohibiting a student who is arrested for a
6 reportable offense involving rape or a sexual offense from attending the same
7 school or riding on the same school bus as the alleged victim under certain
8 circumstances; prohibiting a student who is convicted of or adjudicated
9 delinquent for a reportable offense involving rape or a sexual offense from
10 attending the same school or riding on the same school bus as the ~~alleged~~
11 victim; and generally relating to the protection of students who are victims of
12 reportable offenses involving rape or sexual offense.

13 BY repealing and reenacting, with amendments,
14 Article – Education
15 Section 7–303(g)
16 Annotated Code of Maryland
17 (2008 Replacement Volume and 2009 Supplement)

18 BY adding to
19 Article – Education
20 Section 7–303(g)
21 Annotated Code of Maryland
22 (2008 Replacement Volume and 2009 Supplement)

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

3 Article – Education

4 7–303.

5 (G) (1) IN THIS SUBSECTION, “SCHOOL PRINCIPAL” MEANS THE
6 PRINCIPAL OF THE PUBLIC OR NONPUBLIC SCHOOL IN WHICH A STUDENT IS
7 ENROLLED, OR A DESIGNEE OF THE PRINCIPAL, WHO IS AN ADMINISTRATOR.

8 (2) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH ~~(2)~~ (3) OF
9 THIS SUBSECTION, THE LOCAL SUPERINTENDENT AND THE SCHOOL PRINCIPAL
10 ~~MAY PROHIBIT~~ SHALL CONSIDER PROHIBITING A STUDENT WHO IS ARRESTED
11 FOR A REPORTABLE OFFENSE INVOLVING RAPE OR A SEXUAL OFFENSE FROM
12 ATTENDING THE SAME SCHOOL OR RIDING ON THE SAME SCHOOL BUS AS THE
13 ALLEGED VICTIM OF THE REPORTABLE OFFENSE IF SUCH ACTION IS NECESSARY
14 OR APPROPRIATE TO PROTECT THE PHYSICAL OR PSYCHOLOGICAL
15 WELL-BEING OF THE ALLEGED VICTIM.

16 ~~(2)~~ (3) IF A STUDENT IS ARRESTED FOR A REPORTABLE
17 OFFENSE INVOLVING RAPE OR A SEXUAL OFFENSE AND IS CONVICTED OF OR
18 ADJUDICATED DELINQUENT FOR THE RAPE OR SEXUAL OFFENSE, THE STUDENT
19 MAY NOT ATTEND THE SAME SCHOOL OR RIDE ON THE SAME SCHOOL BUS AS
20 THE ~~ALLEGED~~ VICTIM.

21 [(g)] (H) Nothing in this section is intended to limit the manner in which a
22 local school obtains information or uses information obtained by any lawful means
23 other than that set forth in subsections (b), (c), and (e) of this section.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.