

HOUSE BILL 1165

F1, E3

0lr1690

By: **Delegates Love, Beidle, Costa, Dwyer, George, James, King, Kipke, McConkey, Schuh, and Sophocleus**
Introduced and read first time: February 17, 2010
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Offenses Reportable to School Authorities**

3 FOR the purpose of altering certain definitions, including the definition of “reportable
4 offense”, to include certain violations of the Criminal Law Article and the
5 attempt to commit certain crimes; requiring a law enforcement agency to report
6 the arrest of a student for a certain reportable offense to a local superintendent
7 and the public or nonpublic school principal; and generally relating to offenses
8 reportable to school authorities.

9 BY repealing and reenacting, with amendments,
10 Article – Education
11 Section 7–303
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2009 Supplement)

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

16 **Article – Education**

17 7–303.

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

19 (2) “Criminal gang” has the meaning stated in § 9–801 of the Criminal
20 Law Article.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (5) “Local superintendent” means:

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

6 (ii) The superintendent of schools for the:

7 1. Archdiocese of Baltimore;

8 2. Archdiocese of Washington; and

9 3. Catholic Diocese of Wilmington.

10 [(6) “Nonpublic school principal” means the principal of the nonpublic
11 school in which a student is enrolled, or a designee of the principal, who is an
12 administrator.]

13 [(7)] **(6)** “Reportable offense” means:

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

16 (ii) Any of the offenses enumerated in § 3–8A–03(d)(4) of the
17 Courts 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 through 5–609, §§ 5–612 through
21 5–614, § 5–617, § 5–618, § 5–627, or § 5–628 of the Criminal Law Article;

22 (v) A violation of § 4–503, **§ 6–301**, § 9–504, or § 9–505 of the
23 Criminal Law Article;

24 (vi) A violation of § 6–102, § 6–103, § 6–104, [or] § 6–105, **OR §**
25 **6–109** of the Criminal Law Article; [or]

26 (vii) A violation of **§ 9–302, § 9–303, § 9–305**, § 9–802, or §
27 9–803 of the Criminal Law Article;

28 **(VIII) A VIOLATION OF § 3–701, §§ 6–202 THROUGH 6–204, §**
29 **7–104, OR § 7–105 OF THE CRIMINAL LAW ARTICLE;**

1 **(IX) A VIOLATION OF § 11-304 OR § 11-306 OF THE**
2 **CRIMINAL LAW ARTICLE;**

3 **(X) A VIOLATION OF § 3-203 OR § 12-102 OF THE CRIMINAL**
4 **LAW ARTICLE; OR**

5 **(XI) AN ATTEMPT TO COMMIT ANY OF THE CRIMES SET**
6 **FORTH IN ITEMS (I) THROUGH (X) OF THIS PARAGRAPH.**

7 **(7) “SCHOOL PRINCIPAL” MEANS THE PRINCIPAL OF THE PUBLIC**
8 **OR NONPUBLIC SCHOOL IN WHICH A STUDENT IS ENROLLED, OR A DESIGNEE OF**
9 **THE PRINCIPAL, WHO IS AN ADMINISTRATOR.**

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

13 (b) If a student is arrested for a reportable offense or an offense that is
14 related to the student’s membership in a criminal gang, the law enforcement agency
15 making the arrest shall notify [either] the local superintendent [or] AND the
16 [nonpublic] school principal of the arrest and the charges within 24 hours of the arrest
17 or as soon as practicable.

18 (c) The State’s Attorney shall promptly notify [either] the local
19 superintendent [or] AND the [nonpublic] school principal of the disposition of the
20 reportable offense required to be reported under subsection (b) of this section.

21 (d) Except by order of a juvenile court or other court upon good cause shown,
22 the information obtained by a local superintendent [or nonpublic] AND school
23 principal pursuant to subsections (b) and (c) of this section:

24 (1) Is confidential and may not be redisclosed by subpoena or
25 otherwise except as provided pursuant to subsections (e) and (f) of this section; and

26 (2) May not be made part of the student’s permanent educational
27 record.

28 (e) (1) Notwithstanding the provisions of subsection (d) of this section,
29 nothing shall prohibit a local superintendent or [nonpublic] school principal from
30 transmitting the information obtained pursuant to subsections (b) and (c) of this
31 section as a confidential file to the local superintendent of another public school
32 system in the State or another nonpublic school in the State in which the student has
33 enrolled or been transferred in order to carry out the purposes of this section if the
34 disposition of the reportable offense was a conviction or an adjudication of delinquency
35 or the criminal charge or delinquency petition is still pending.

1 (2) A local superintendent or [nonpublic] school principal who
2 transmits information about a student under this subsection shall include in the
3 transmittal information regarding any educational programming and related services
4 provided to the student.

5 (f) The State Board shall adopt regulations to ensure that information
6 obtained by a local superintendent [or nonpublic] AND school principal under
7 subsections (b), (c), and (e) of this section is:

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

11 (2) Transmitted only to the school principal of the school in which the
12 student is enrolled and other school personnel necessary to carry out the purposes set
13 forth in item (1) of this subsection.

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

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 July 1, 2010.