

HOUSE BILL 571

E3, R4

71r1935

By: **Delegates Levi, Ali, Anderson, Barkley, Barnes, Beidle, Benson, Carter, Conaway, Conway, Davis, DeBoy, Dumais, Elmore, Glenn, Haynes, Healey, Holmes, Hucker, Ivey, Jones, Kirk, Kullen, Lee, Manno, McComas, Montgomery, Oaks, Rice, Robinson, Ross, Schuh, Schuler, Smigiel, Stukes, Tarrant, Taylor, Vaughn, Waldstreicher, and Walker**

Introduced and read first time: February 7, 2007

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juveniles – School Attendance and Crimes Committed During School**
3 **Hours – Penalties and Issuance of a License to Drive**

4 FOR the purpose of requiring the circuit court sitting as a juvenile court, when making
5 a certain disposition, to consider whether a certain offense committed by a child
6 was committed during certain hours; providing that a person who is under a
7 certain age and is convicted as an adult of a certain crime is subject to a certain
8 increase in the person's term of imprisonment or fine if the trier of fact finds
9 beyond a reasonable doubt that the person committed the crime during certain
10 hours; requiring the principal or head teacher of a school to report to the county
11 superintendent, the supervisor of pupil personnel, or another designated official
12 each time a certain child has accumulated a certain number of unexcused
13 absences from a school in which the child is enrolled; requiring a certain
14 representative of the school system, on receiving a certain report, to notify the
15 Motor Vehicle Administration to suspend a certain child's license to drive and to
16 notify the child that the child's license to drive will be suspended; requiring a
17 local law enforcement agency to notify the Motor Vehicle Administration to
18 suspend a certain child's license to drive and to notify the child that the child's
19 license to drive will be suspended if the child receives a certain number of local
20 truancy violation notices; prohibiting the Motor Vehicle Administration from
21 issuing a learner's permit to an applicant under a certain age unless the
22 applicant presents certain information regarding school attendance; requiring

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the Motor Vehicle Administration to suspend the license to drive of a child,
2 subject to certain hearing requirements, for a certain period of time or to delay
3 the issuance of a license to a child for a certain period of time after receiving a
4 certain notice; requiring the Motor Vehicle Administration to impose a certain
5 fine on a certain child; defining certain terms; and generally relating to offenses
6 committed by juveniles and absences from school.

7 BY adding to
8 Article – Courts and Judicial Proceedings
9 Section 3–8A–19(c–1)
10 Annotated Code of Maryland
11 (2006 Replacement Volume)

12 BY adding to
13 Article – Criminal Law
14 Section 14–104
15 Annotated Code of Maryland
16 (2002 Volume and 2006 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article – Education
19 Section 7–301(a)
20 Annotated Code of Maryland
21 (2006 Replacement Volume)

22 BY repealing and reenacting, with amendments,
23 Article – Education
24 Section 7–302
25 Annotated Code of Maryland
26 (2006 Replacement Volume)

27 BY repealing and reenacting, without amendments,
28 Article – Transportation
29 Section 11–128 and 12–203
30 Annotated Code of Maryland
31 (2006 Replacement Volume and 2006 Supplement)

32 BY repealing and reenacting, with amendments,
33 Article – Transportation
34 Section 16–105(a)
35 Annotated Code of Maryland
36 (2006 Replacement Volume and 2006 Supplement)

1 BY adding to
 2 Article – Transportation
 3 Section 16–206.2
 4 Annotated Code of Maryland
 5 (2006 Replacement Volume and 2006 Supplement)

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

8 **Article – Courts and Judicial Proceedings**

9 3–8A–19.

10 (C–1) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE
 11 THE MEANINGS INDICATED.

12 (II) 1. “OFFENSE” MEANS AN ACT COMMITTED BY A
 13 CHILD IN THE STATE THAT IF COMMITTED BY AN ADULT WOULD BE A CRIME
 14 UNDER:

15 A. COMMON LAW; OR

16 B. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2
 17 OF THIS SUBPARAGRAPH, THE ANNOTATED CODE OF MARYLAND.

18 2. “OFFENSE” DOES NOT INCLUDE A VIOLATION OF
 19 THE TRANSPORTATION ARTICLE THAT IS NOT PUNISHABLE BY A TERM OF
 20 IMPRISONMENT.

21 (III) “SCHOOL HOURS” MEANS THE HOURS FROM 8 A.M. TO
 22 5 P.M. ON DAYS WHEN SCHOOLS ARE IN SESSION.

23 (2) IN MAKING A DISPOSITION ON A FINDING THAT A CHILD HAS
 24 COMMITTED AN OFFENSE, THE COURT SHALL TAKE INTO CONSIDERATION
 25 WHETHER THE OFFENSE WAS COMMITTED DURING SCHOOL HOURS.

26 **Article – Criminal Law**

27 14–104.

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

3 (2) (I) "CRIME" MEANS AN ACT COMMITTED BY A PERSON IN
4 THE STATE THAT IS A CRIME UNDER:

5 1. COMMON LAW; OR

6 2. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF
7 THIS PARAGRAPH, THE ANNOTATED CODE OF MARYLAND.

8 (II) "CRIME" DOES NOT INCLUDE A VIOLATION OF THE
9 TRANSPORTATION ARTICLE THAT IS NOT PUNISHABLE BY A TERM OF
10 IMPRISONMENT.

11 (3) "SCHOOL HOURS" MEANS THE HOURS FROM 8 A.M. TO
12 5 P.M. ON DAYS WHEN SCHOOLS ARE IN SESSION.

13 (B) THIS SECTION APPLIES TO A PERSON WHO IS UNDER THE AGE OF 18
14 YEARS AND CONVICTED AS AN ADULT OF A CRIME.

15 (C) (1) IF THE TRIER OF FACT FINDS BEYOND A REASONABLE DOUBT
16 THAT A PERSON COMMITTED A CRIME DURING SCHOOL HOURS, THE PERSON'S
17 SENTENCE FOR THE CRIME IS SUBJECT TO AN INCREASE IN THE TERM OF
18 IMPRISONMENT NOT EXCEEDING 1 YEAR AND AN INCREASE IN THE FINE NOT
19 EXCEEDING \$10,000.

20 (2) THE INCREASED TERM OF IMPRISONMENT AND FINE
21 SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION IS IN ADDITION TO ANY
22 PENALTY IMPOSED FOR THE UNDERLYING CRIME.

23 **Article - Education**

24 7-301.

25 (a) (1) Except as otherwise provided in this section, each child who
26 resides in this State and is 5 years old or older and under 16 shall attend a public
27 school regularly during the entire school year unless the child is otherwise receiving
28 regular, thorough instruction during the school year in the studies usually taught in
29 the public schools to children of the same age.

1 (2) In accordance with regulations of the State Board of Education, a
2 child who resides in this State and is 5 years old may be exempted from mandatory
3 school attendance for 1 year if the child's parent or guardian files a written request
4 with the local school system asking that the child's attendance be delayed due to the
5 child's level of maturity.

6 (3) Except as provided in subsection (f) of this section or in regulations
7 of the State Board of Education, each child who resides in this State shall attend a
8 kindergarten program regularly during the school year prior to entering the first
9 grade unless the child is otherwise receiving regular, thorough instruction in the skills
10 and studies usually taught in a kindergarten program of a public school.

11 7-302.

12 (a) The principal or head teacher of each public or private school in this State
13 shall report immediately to the county superintendent, the supervisor of pupil
14 personnel, or any other official designated by the county superintendent the name of
15 each child enrolled in his school who has been absent or irregular in attendance,
16 without lawful excuse, or who shows evidence of maladjustment, so that the causes
17 may be studied and solutions worked out.

18 (b) On receipt of a report from a principal or head teacher of a public school
19 that a student has been habitually truant without lawful excuse, the appropriate
20 representative of the school system:

21 (1) Shall initiate an investigation into the cause of the child's truancy;

22 (2) May provide counseling regarding the availability of social, health,
23 and educational services; and

24 (3) Following the investigation or intervention:

25 (i) May notify the Department of Juvenile Services that the
26 student has been habitually truant, without lawful excuse;

27 (ii) Shall notify the appropriate local department that the
28 student has been habitually truant, without lawful excuse, if a court has given the
29 notice authorized by § 3-819(b-1) of the Courts Article; and

30 (iii) Shall notify the Department of Juvenile Services that the
31 student has been habitually truant, without lawful excuse, if a court has given the
32 notice authorized by § 3-8A-19(d)(5) of the Courts Article.

1 (c) The county superintendent, the superintendent's designee, or the
2 supervisor of pupil personnel shall provide to the local education agency for inclusion
3 in the report of the local education agency under § 7-304(f)(1) of this subtitle
4 information regarding the number of students identified as being habitually truant.

5 (D) (1) **THIS SUBSECTION APPLIES TO:**

6 (I) **A CHILD WHO IS AT LEAST 13 YEARS OF AGE AND**
7 **REQUIRED UNDER § 7-301 OF THIS SUBTITLE TO ATTEND SCHOOL; AND**

8 (II) **A CHILD 16 YEARS OLD OR OLDER AND UNDER 18**
9 **YEARS WHO IS ENROLLED IN A PUBLIC OR PRIVATE SCHOOL IN THE COUNTY.**

10 (2) (I) **EACH TIME A CHILD HAS ACCUMULATED 10 UNEXCUSED**
11 **ABSENCES FROM A SCHOOL IN WHICH THE CHILD IS ENROLLED, THE PRINCIPAL**
12 **OR HEAD TEACHER OF EACH PUBLIC OR PRIVATE SCHOOL IN THE COUNTY**
13 **SHALL IMMEDIATELY REPORT THE NAME OF THE CHILD TO THE COUNTY**
14 **SUPERINTENDENT, THE SUPERVISOR OF PUPIL PERSONNEL, OR ANY OTHER**
15 **OFFICIAL DESIGNATED BY THE COUNTY SUPERINTENDENT.**

16 (II) **ON RECEIPT OF A REPORT UNDER THIS PARAGRAPH**
17 **FROM A PRINCIPAL OR HEAD TEACHER, THE APPROPRIATE REPRESENTATIVE**
18 **OF THE SCHOOL SYSTEM SHALL:**

19 1. **NOTIFY THE MOTOR VEHICLE ADMINISTRATION**
20 **TO SUSPEND THE LICENSE TO DRIVE OF THE CHILD UNDER § 16-206.2 OF THE**
21 **TRANSPORTATION ARTICLE; AND**

22 2. **NOTIFY THE CHILD THAT THE CHILD'S LICENSE**
23 **TO DRIVE WILL BE SUSPENDED.**

24 (3) **EACH TIME A CHILD HAS RECEIVED TWO TRUANCY VIOLATION**
25 **NOTICES FROM LOCAL LAW ENFORCEMENT OFFICERS, THE LOCAL LAW**
26 **ENFORCEMENT AGENCY SHALL IMMEDIATELY:**

27 (I) **NOTIFY THE MOTOR VEHICLE ADMINISTRATION TO**
28 **SUSPEND THE LICENSE TO DRIVE OF THE CHILD UNDER § 16-206.2 OF THE**
29 **TRANSPORTATION ARTICLE; AND**

1 **(II) NOTIFY THE CHILD THAT THE CHILD’S LICENSE TO**
2 **DRIVE WILL BE SUSPENDED.**

3 **Article – Transportation**

4 11–128.

5 “License”, as used in reference to the operation of a motor vehicle, means any:

6 (1) Driver’s license; and

7 (2) Any other license or permit to drive a motor vehicle that is issued
8 under or granted by the laws of this State, including:

9 (i) Any temporary license;

10 (ii) A learner’s instructional permit;

11 (iii) A provisional license;

12 (iv) The privilege of any individual to drive a motor vehicle,
13 whether or not that individual is formally licensed by this or any other jurisdiction;

14 (v) Any nonresident’s privilege to drive, as defined in this
15 subtitle; and

16 (vi) A commercial driver’s license.

17 12–203.

18 (a) If the Maryland Vehicle Law or a rule or regulation of the Administration
19 provides that an applicant or licensee may request a hearing on refusal, suspension, or
20 revocation of a license or privilege, the Administration shall give the applicant or
21 licensee written notice under § 12–114 of this title of:

22 (1) The refusal, suspension, or revocation; and

23 (2) The right of the applicant or licensee to request a hearing.

24 (b) (1) Except as otherwise provided in the Maryland Vehicle Law, the
25 applicant or licensee may request a hearing within 15 days from the date that the
26 notice required by this section is mailed.

1 (2) The hearing shall be held within 30 days of the date of the request.

2 (3) The Administration shall render a decision within 30 days of a
3 hearing conducted under Title 16, Subtitles 1 through 4 of this article.

4 16-105.

5 (a) (1) Any individual who desires to obtain an original driver's license
6 under this subtitle or to be licensed in a class for which the individual is not already
7 licensed under this subtitle shall apply to the Administration for the desired driver's
8 license.

9 (2) Except as provided in subsection (f) of this section, before issuing a
10 driver's license, the Administration shall issue to each applicant a learner's
11 instructional permit. The learner's instructional permit shall identify clearly the class
12 of license for which the applicant has applied.

13 **(3) THE ADMINISTRATION MAY NOT ISSUE A LEARNER'S**
14 **INSTRUCTIONAL PERMIT TO AN APPLICANT UNDER THE AGE OF 18 YEARS**
15 **UNLESS THE APPLICANT PRESENTS TO THE ADMINISTRATION:**

16 **(I) FOR AN APPLICANT WHO IS 15 YEARS OF AGE AND**
17 **REQUIRED UNDER § 7-301 OF THE EDUCATION ARTICLE TO ATTEND SCHOOL, A**
18 **CERTIFIED COPY OF THE APPLICANT'S SCHOOL ATTENDANCE RECORD; OR**

19 **(II) FOR AN APPLICANT WHO IS 16 OR 17 YEARS OF AGE,**
20 **EITHER:**

21 **1. A CERTIFIED COPY OF THE APPLICANT'S SCHOOL**
22 **ATTENDANCE RECORD; OR**

23 **2. EVIDENCE SATISFACTORY TO THE**
24 **ADMINISTRATION THAT THE APPLICANT IS NOT ENROLLED IN SCHOOL.**

25 **16-206.2.**

26 **(A) SUBJECT TO THE PROVISIONS OF SUBSECTION (C) OF THIS**
27 **SECTION, ON RECEIPT OF NOTICE DESCRIBED UNDER § 7-302(D) OF THE**
28 **EDUCATION ARTICLE THAT A CHILD HAS BEEN UNLAWFULLY ABSENT FROM**

1 SCHOOL OR HAS RECEIVED TRUANCY VIOLATION NOTICES, THE
2 ADMINISTRATION SHALL:

3 (1) FOR A FIRST REPORTING:

4 (I) IF THE CHILD ALREADY HAS A LICENSE TO DRIVE,
5 SUSPEND THE LICENSE OF THE CHILD FOR 6 MONTHS; OR

6 (II) IF THE CHILD DOES NOT ALREADY HAVE A LICENSE TO
7 DRIVE, DELAY THE ISSUANCE OF A LICENSE TO THE CHILD FOR 6 MONTHS
8 FROM THE DATE THAT THE CHILD INITIALLY APPLIES TO RECEIVE A LICENSE;
9 AND

10 (2) FOR A SECOND OR SUBSEQUENT REPORTING:

11 (I) IF THE CHILD ALREADY HAS A LICENSE TO DRIVE,
12 SUSPEND THE LICENSE OF THE CHILD FOR 1 YEAR; OR

13 (II) IF THE CHILD DOES NOT ALREADY HAVE A LICENSE TO
14 DRIVE, DELAY THE ISSUANCE OF A LICENSE TO THE CHILD FOR 1 YEAR FROM
15 THE DATE THAT THE CHILD INITIALLY APPLIES TO RECEIVE A LICENSE.

16 (B) IN ADDITION TO THE DISPOSITIONS UNDER SUBSECTION (A) OF
17 THIS SECTION, THE ADMINISTRATION SHALL IMPOSE A FINE OF:

18 (1) FOR A FIRST REPORTING, \$100; AND

19 (2) FOR A SECOND OR SUBSEQUENT REPORTING, \$250.

20 (C) SUBJECT TO THE PROVISIONS OF TITLE 12, SUBTITLE 2 OF THIS
21 ARTICLE, A LICENSEE MAY REQUEST A HEARING ON A SUSPENSION OR A DELAY
22 UNDER THIS SECTION.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2007.