

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 1305
Judiciary

(Delegate Myers)

Safe Schools - Reportable Offenses

This bill adds possession or administration of controlled dangerous substances to the list of crimes that, when committed by a student, law enforcement agencies must report to specified school officials.

Fiscal Summary

State Effect: State law enforcement agencies can handle the new reporting requirement with existing resources.

Local Effect: Local law enforcement agencies can handle the new reporting requirement with existing resources.

Small Business Effect: None.

Analysis

Current Law/Background: Reportable offenses include specified violent crimes and various gang-, weapons-, drug-, theft-, and intimidation-related charges. Chapter 188 of 2010, the Safe Schools Act of 2010, among other provisions, expanded the list of reportable offenses for students to include malicious destruction of property, second-degree assault, auto theft, inducing false testimony or avoidance of subpoena, retaliation for testimony, and intimidation or corruption of a juror.

Within 24 hours of an arrest, the arresting law enforcement agency must notify the school superintendent (local or archdiocese) or, for a private school student, the school's principal when a student enrolled in one of their schools is arrested for a reportable

offense or an offense that is related to the student's membership in a criminal gang. A school security officer must also be notified, for a school with such an officer. A law enforcement agency may also notify the State's Attorney of the arrest and the charges. Any record of the arrest kept by the school must be destroyed when the student graduates or otherwise permanently leaves school or turns 22 years old, whichever occurs first.

The local superintendent and the school principal must consider prohibiting a student who is arrested for a reportable offense involving rape or a sexual offense from attending the same school or riding on the same school bus as the alleged victim if such action is necessary or appropriate to protect the physical or psychological well-being of the alleged victim. If a student is convicted of or adjudicated delinquent for the rape or sexual offense, the student may not attend the same school or ride on the same school bus as the victim.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Allegany, Harford, and Montgomery counties; Baltimore City; Governor's Office of Crime Control and Prevention; Maryland State Department of Education; Judiciary (Administrative Office of the Courts); Department of Juvenile Services; Department of State Police; Office of the Public Defender; State's Attorneys' Association; Department of Legislative Services

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mlm/mwc

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