

Chapter 218

(House Bill 222)

AN ACT concerning

Education – Reportable Offenses – First Degree Burglary and Animal Cruelty

FOR the purpose of adding first degree burglary and animal cruelty to a list of offenses for which a law enforcement agency that arrests a student for the offense is required to report the arrest to certain school officials under certain circumstances; and generally relating to reporting arrests of a student for first degree burglary or animal cruelty.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 6–202 and 10–606
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 7–303
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

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

Article – Criminal Law

6–202.

(a) A person may not break and enter the dwelling of another with the intent to commit theft or a crime of violence.

(b) A person who violates this section is guilty of the felony of burglary in the first degree and on conviction is subject to imprisonment not exceeding 20 years.

10–606.

(a) A person may not:

- (1) intentionally mutilate, torture, cruelly beat, or cruelly kill an animal;

(2) cause, procure, or authorize an act prohibited under item (1) of this subsection; or

(3) except in the case of self-defense, intentionally inflict bodily harm, permanent disability, or death on an animal owned or used by a law enforcement unit.

(b) (1) A person who violates this section is guilty of the felony of aggravated cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

(2) As a condition of sentencing, the court may order a defendant convicted of violating this section to participate in and pay for psychological counseling.

(3) As a condition of probation, the court may prohibit a defendant from owning, possessing, or residing with an animal.

Article – Education

7–303.

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

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

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

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

(5) “Local superintendent” means:

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

(ii) The superintendent of schools for the:

1. Archdiocese of Baltimore;
2. Archdiocese of Washington; and
3. Catholic Diocese of Wilmington.

- (6) “Reportable offense” means:
- (i) A crime of violence, as defined in § 14–101 of the Criminal Law Article;
 - (ii) Any of the offenses enumerated in § 3–8A–03(d)(4) of the Courts Article;
 - (iii) A violation of § 4–101, § 4–102, § 4–203, or § 4–204 of the Criminal Law Article;
 - (iv) A violation of §§ 5–602 through 5–609, §§ 5–612 through 5–614, § 5–617, § 5–618, § 5–627, or § 5–628 of the Criminal Law Article;
 - (v) A violation of § 4–503, § 9–504, or § 9–505 of the Criminal Law Article;
 - (vi) A violation of § 6–102, § 6–103, § 6–104, or § 6–105 of the Criminal Law Article;
 - (vii) A violation of § 9–802 or § 9–803 of the Criminal Law Article;
 - (viii) A violation of § 3–203 of the Criminal Law Article;
 - (ix) A violation of § 6–301 of the Criminal Law Article;
 - (x) A violation of § 9–302, § 9–303, or § 9–305 of the Criminal Law Article; [or]
 - (xi) A violation of § 7–105 of the Criminal Law Article;
 - (XII) A VIOLATION OF § 6–202 OF THE CRIMINAL LAW ARTICLE; OR**
 - (XIII) A VIOLATION OF § 10–606 OF THE CRIMINAL LAW ARTICLE.**

(7) “School principal” means the principal of the public or nonpublic school in which a student is enrolled, or a designee of the principal, who is an administrator.

(8) (i) “School security officer” includes a school principal, another school administrator, a law enforcement officer, or other individual employed by a local school system or a local government who is designated by the county

superintendent or a school principal to help maintain the security and safety of a school.

(ii) “School security officer” does not include a teacher.

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

(b) If a student is arrested for a reportable offense or an offense that is related to the student’s membership in a criminal gang, the law enforcement agency making the arrest:

(1) Shall notify the following individuals of the arrest and the charges within 24 hours of the arrest or as soon as practicable:

(i) The local superintendent;

(ii) The school principal; and

(iii) For a school that has a school security officer, the school security officer; and

(2) May notify the State’s Attorney of the arrest and charges.

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

(d) Except by order of a juvenile court or other court upon good cause shown, the information obtained by an individual pursuant to subsections (b) and (c) of this section:

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

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

(e) (1) Notwithstanding the provisions of subsection (d) of this section, nothing shall prohibit a local superintendent or school principal from transmitting the information obtained pursuant to subsections (b) and (c) of this section as a confidential file to the local superintendent of another public school system in the State or another nonpublic school in the State in which the student has enrolled or been transferred in order to carry out the purposes of this section if the disposition of

the reportable offense was a conviction or an adjudication of delinquency or the criminal charge or delinquency petition is still pending.

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

(f) The State Board shall adopt regulations to ensure that information obtained by a local superintendent, a school principal, or a school security officer under subsections (b), (c), and (e) of this section is:

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

(2) Transmitted only to school personnel of the school in which the student is enrolled as necessary to carry out the purposes set forth in item (1) of this subsection; and

(3) Destroyed when the student graduates or otherwise permanently leaves school or turns 22 years old, whichever occurs first.

(g) (1) Except as otherwise provided in paragraph (2) of this subsection, the local superintendent and the school principal shall 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 of the reportable offense if such action is necessary or appropriate to protect the physical or psychological well-being of the alleged victim.

(2) If a student is arrested for a reportable offense involving rape or a sexual offense and 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.

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

(i) Each public school that enrolls students in grades six through twelve in the State shall designate at least one school security officer.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.