

HOUSE BILL 20

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4lr0432

(PRE-FILED)

By: **Delegate Cluster**

Requested: August 22, 2013

Introduced and read first time: January 8, 2014

Assigned to: Ways and Means

A BILL ENTITLED

AN ACT concerning

Primary and Secondary Education – Security – School Resource Officers

FOR the purpose of authorizing certain authorized persons of certain public schools in the State to deny access to certain school areas to certain persons; authorizing certain authorized persons to demand certain identification from any person who wants to use or enter certain school areas; authorizing the county board of certain public schools to enter into an agreement with an appropriate law enforcement agency to carry out certain activities under certain circumstances; providing penalties for a certain violation; requiring that a certain number of school resource officers be assigned to certain public schools in the State; requiring certain public schools to hire retired law enforcement officers to serve as school resource officers for the school; requiring certain school resource officers to obtain a special police officer commission issued by the Department of State Police; requiring the county superintendent to submit an application to the Secretary of State Police for a special police commission for each school resource officer hired; establishing that a school resource officer hired under this Act is a contractual employee of the State, is entitled to State workers' compensation benefits and is to receive at least a certain salary; requiring the State to reimburse certain local education agencies for certain expenditures relating to this Act; providing that funds used to reimburse local education agencies shall be paid from the Education Trust Fund from funds allocated from a certain source; making certain stylistic changes; defining certain terms; repealing certain duplicative provisions; and generally relating to school resource officers.

BY repealing and reenacting, without amendments,
Article – Education
Section 1–101(a), (c), (d), (e), (f), and (k)
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



BY adding to

Article – Education
Section 7–436
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

BY adding to

Article – Education
Section 7–1601 through 7–1605 to be under the new subtitle “Subtitle 16. School
Resource Officers”
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Education
Section 26–102
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government
Section 9–1A–30
Annotated Code of Maryland
(2009 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 – Education

1–101.

(a) In this article, unless the context requires otherwise, the following words have the meanings indicated.

(c) “County” means a county of this State and includes Baltimore City.

(d) “County board” means the board of education of a county and includes the Baltimore City Board of School Commissioners.

(e) “County superintendent” means the county superintendent of schools of a county and includes the Chief Executive Officer of the Baltimore City Board of School Commissioners.

(f) “Department” means the State Department of Education.

(k) "Public schools" means the schools in the public elementary and secondary education system of this State.

7-436.

(A) IN THIS SECTION, "SCHOOL RESOURCE OFFICER" MEANS:

(1) A LAW ENFORCEMENT OFFICER AS DEFINED UNDER § 3-101(E) OF THE PUBLIC SAFETY ARTICLE WHO HAS BEEN ASSIGNED TO A SCHOOL IN ACCORDANCE WITH A MEMORANDUM OF UNDERSTANDING BETWEEN THE CHIEF OF A LAW ENFORCEMENT AGENCY AS DEFINED UNDER § 3-101(B) OF THE PUBLIC SAFETY ARTICLE AND THE LOCAL EDUCATION AGENCY; OR

(2) A SPECIAL POLICE OFFICER AS DEFINED UNDER § 3-301(D) OF THE PUBLIC SAFETY ARTICLE WHO HAS BEEN HIRED BY A COUNTY SUPERINTENDENT IN ACCORDANCE WITH § 7-1603(B) OF THIS ARTICLE.

(B) THE COUNTY BOARD, COUNTY SUPERINTENDENT, PRINCIPAL, OR SCHOOL RESOURCE OFFICER OF ANY PUBLIC SCHOOL, OR A PERSON DESIGNATED IN WRITING BY THE BOARD OR ANY OF THESE PERSONS, MAY DENY ACCESS TO THE BUILDINGS OR GROUNDS OF THE SCHOOL TO ANY OTHER PERSON WHO:

(1) IS NOT A BONA FIDE, CURRENTLY REGISTERED STUDENT, OR STAFF OR FACULTY MEMBER AT THE SCHOOL, AND WHO DOES NOT HAVE LAWFUL BUSINESS TO PURSUE AT THE SCHOOL;

(2) IS A BONA FIDE, CURRENTLY REGISTERED STUDENT AT THE SCHOOL AND HAS BEEN SUSPENDED OR EXPELLED FROM THE SCHOOL, FOR THE DURATION OF THE SUSPENSION OR EXPULSION; OR

(3) ACTS IN A MANNER THAT DISRUPTS OR DISTURBS THE NORMAL EDUCATIONAL FUNCTIONS OF THE SCHOOL.

(C) ADMINISTRATIVE PERSONNEL, AUTHORIZED EMPLOYEES OF ANY PUBLIC SCHOOL, AND PERSONS DESIGNATED IN SUBSECTION (B) OF THIS SECTION MAY DEMAND IDENTIFICATION AND EVIDENCE OF QUALIFICATION FROM ANY PERSON WHO DESIRES TO USE OR ENTER THE PREMISES OF THE SCHOOL.

(D) THE COUNTY BOARD OF ANY PUBLIC SCHOOL MAY ENTER INTO AN AGREEMENT WITH APPROPRIATE LAW ENFORCEMENT AGENCIES TO CARRY OUT THE RESPONSIBILITIES OF THIS SECTION WHEN:

(1) THE SCHOOL IS CLOSED; OR

(2) NONE OF THE PERSONS DESIGNATED IN SUBSECTION (B) OF THIS SECTION ARE PRESENT IN THE BUILDINGS OR ON THE GROUNDS OF THE SCHOOL.

(E) A PERSON IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000, IMPRISONMENT NOT EXCEEDING 6 MONTHS, OR BOTH IF THE PERSON:

(1) TRESPASSES ON THE GROUNDS OF ANY PUBLIC SCHOOL;

(2) FAILS OR REFUSES TO LEAVE THE GROUNDS OF ANY PUBLIC SCHOOL AFTER BEING REQUESTED TO DO SO BY A PERSON DESIGNATED IN SUBSECTION (B) OF THIS SECTION AS BEING AUTHORIZED TO DENY ACCESS TO THE BUILDINGS OR GROUNDS OF THE SCHOOL; OR

(3) WILLFULLY DAMAGES OR DEFACTS ANY BUILDING, FURNISHING, STATUE, MONUMENT, MEMORIAL, TREE, SHRUB, GRASS, OR FLOWER ON THE GROUNDS OF ANY PUBLIC SCHOOL.

SUBTITLE 16. SCHOOL RESOURCE OFFICERS.

7-1601.

IN THIS SUBTITLE, "SCHOOL RESOURCE OFFICER" MEANS:

(1) A LAW ENFORCEMENT OFFICER AS DEFINED UNDER § 3-101(E) OF THE PUBLIC SAFETY ARTICLE WHO HAS BEEN ASSIGNED TO A SCHOOL IN ACCORDANCE WITH A MEMORANDUM OF UNDERSTANDING BETWEEN THE CHIEF OF A LAW ENFORCEMENT AGENCY AS DEFINED UNDER § 3-101(B) OF THE PUBLIC SAFETY ARTICLE AND THE LOCAL EDUCATION AGENCY; OR

(2) A SPECIAL POLICE OFFICER AS DEFINED UNDER § 3-301(D) OF THE PUBLIC SAFETY ARTICLE WHO HAS BEEN HIRED BY A COUNTY SUPERINTENDENT IN ACCORDANCE WITH § 7-1603(B) OF THIS ARTICLE.

7-1602.

THIS SUBTITLE DOES NOT APPLY TO A PUBLIC SCHOOL THAT HAD AT LEAST ONE SCHOOL RESOURCE OFFICER ASSIGNED TO THE SCHOOL DURING THE 2013-2014 SCHOOL YEAR.

7-1603.

(A) AT LEAST ONE SCHOOL RESOURCE OFFICER SHALL BE ASSIGNED TO EACH PUBLIC SCHOOL IN THE STATE.

(B) IF A PUBLIC SCHOOL IN THE STATE DOES NOT HAVE AT LEAST ONE SCHOOL RESOURCE OFFICER ASSIGNED TO THE SCHOOL AS OF AUGUST 1, 2014, THE COUNTY SUPERINTENDENT OF THE SCHOOL SHALL HIRE A RETIRED LAW ENFORCEMENT OFFICER TO SERVE AS A SCHOOL RESOURCE OFFICER FOR THE SCHOOL.

7-1604.

(A) (1) EACH SCHOOL RESOURCE OFFICER HIRED IN ACCORDANCE WITH § 7-1603(B) OF THIS SUBTITLE SHALL OBTAIN A SPECIAL POLICE COMMISSION AS DEFINED IN §§ 3-301(C) AND 3-307 OF THE PUBLIC SAFETY ARTICLE.

(2) THE COUNTY SUPERINTENDENT SHALL SUBMIT AN APPLICATION TO THE SECRETARY OF STATE POLICE FOR A SPECIAL POLICE COMMISSION IN ACCORDANCE WITH § 3-304 OF THE PUBLIC SAFETY ARTICLE FOR EACH SCHOOL RESOURCE OFFICER THE COUNTY SUPERINTENDENT HIRES.

(B) A SCHOOL RESOURCE OFFICER HIRED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION SHALL:

(1) BE A CONTRACTUAL EMPLOYEE OF THE STATE;

(2) BE ENTITLED TO STATE WORKERS' COMPENSATION BENEFITS; AND

(3) RECEIVE A SALARY OF NO LESS THAN \$25 PER HOUR.

(C) (1) A LOCAL EDUCATION AGENCY IS ENTITLED TO REIMBURSEMENT FROM THE STATE FOR ALL EXPENDITURES NECESSARY TO MEET THE REQUIREMENTS OF THIS SUBTITLE.

(2) ANY FUNDS USED TO REIMBURSE A LOCAL EDUCATION AGENCY SHALL BE PAID FROM THE EDUCATION TRUST FUND FROM THE FUNDS ALLOCATED UNDER § 9-1A-27 OF THE STATE GOVERNMENT ARTICLE.

7-1605.

THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.

26–102.

[(a) In this section, “school resource officer” means a law enforcement officer as defined under § 3–101(e) of the Public Safety Article who has been assigned to a school in accordance with a memorandum of understanding between the chief of a law enforcement agency as defined under § 3–101(b) of the Public Safety Article and the local education agency.

(b) (A) The governing board[, OR THE president[, superintendent, principal, or school resource officer] of any public institution of [elementary, secondary, or] higher education, or a person designated in writing by the board or [any of these persons] **THE PRESIDENT**, may deny access to the buildings or grounds of the institution to any other person who:

(1) Is not a bona fide, currently registered student, or staff or faculty member at the institution, and who does not have lawful business to pursue at the institution;

(2) Is a bona fide, currently registered student at the institution and has been suspended or expelled from the institution, for the duration of the suspension or expulsion; or

(3) Acts in a manner that disrupts or disturbs the normal educational functions of the institution.

[(c) (B) Administrative personnel, authorized employees of any public institution of [elementary, secondary, or] higher education, and persons designated in subsection [(b) (A) of this section may demand identification and evidence of qualification from any person who desires to use or enter the premises of the institution.

[(d) (C) The governing board of any public institution of [elementary, secondary, or] higher education may enter into an agreement with appropriate law enforcement agencies to carry out the responsibilities of this section when:

(1) The institution is closed; or

(2) None of the persons designated in subsection [(b) (A) of this section are present in the buildings or on the grounds of the institution.

[(e) (D) A person is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000, imprisonment not exceeding 6 months, or both if [he] **THE PERSON**:

- (1) Trespasses on the grounds of any public institution of [elementary, secondary, or] higher education;
- (2) Fails or refuses to leave the grounds of any of these institutions after being requested to do so by a person designated in subsection [(b)] (A) of this section as being authorized to deny access to the buildings or grounds of the institution; or
- (3) Willfully damages or defaces any building, furnishing, statue, monument, memorial, tree, shrub, grass, or flower on the grounds of any of these institutions.

Article – State Government

9–1A–30.

(a) There is an Education Trust Fund which is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(b) (1) There shall be credited to the Education Trust Fund all proceeds allocated to the Fund under § 9–1A–27 of this subtitle.

(2) Money in the Education Trust Fund shall be invested and reinvested by the Treasurer, and interest and earnings shall accrue to the Fund.

(c) Money in the Education Trust Fund shall be used to:

(1) provide funding for public elementary and secondary education, through continuation of the funding and formulas established under the programs commonly known as the Bridge to Excellence in Public Schools Act, first enacted by Chapter 288 of the Acts of the General Assembly of 2002, including the funding for regional differences in the cost of education under § 5–202(f) of the Education Article;

(2) provide funds to construct public school buildings and provide public school capital improvements in accordance with §§ 5–301 through 5–303 of the Education Article;

(3) provide funds for capital projects at community colleges and public senior higher education institutions; [and]

(4) provide funds to expand public early childhood education programs in the State; AND

(5) PROVIDE FUNDS TO HIRE AND EMPLOY SCHOOL RESOURCE OFFICERS FOR PUBLIC ELEMENTARY AND SECONDARY INSTITUTIONS OF

EDUCATION, AS SPECIFIED IN TITLE 7, SUBTITLE 16 OF THE EDUCATION ARTICLE.

(d) Expenditures from the Education Trust Fund shall be made each fiscal year in accordance with the State budget.

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