

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 836 (Delegate Arentz, *et al.*)
Judiciary and Ways and Means

Educational Institutions - Notice of Criminal Activity and Threats to Safety

This bill establishes notification requirements for employees of “educational institutions” who observe or receive information about actual or potential crimes of violence by students or other parties or potential threats to the safety of students and staff.

The bill takes effect July 1, 2016.

Fiscal Summary

State Effect: None. The bill is procedural in nature and has no effect on governmental finances.

Local Effect: None. The bill is procedural in nature and has no effect on local governmental finances.

Small Business Effect: None.

Analysis

Bill Summary: An “educational institution” is a primary or secondary school or an institution of postsecondary education. It includes nonpublic schools and institutions that receive State funds. “Crime of violence” has the same meaning used in the Criminal Law Article.

A teacher, faculty member, or any other employee of an educational institution who is responsible for supervising students must immediately notify an administrator if the individual:

- observes a student committing or expressing the intent to commit a crime of violence;
- receives information about a student committing or expressing the intent to commit a crime of violence; or
- receives information of a potential threat to the safety of students or staff.

Upon receiving such notification, a school administrator must forward the information to an appropriate law enforcement agency as soon as practicable. However, notification does not need to be made if it violates any federal, State, or local law.

An individual acting in good faith is not subject to liability or disciplinary action, including dismissal, arising solely from providing notice in accordance with the bill's provisions.

Current Law: Section 14-101 of the Criminal Law Article defines a crime of violence as any of 24 crimes enumerated in statute including murder, rape, and child or sexual abuse.

Health care practitioners, police officers, educators, and human service workers who are acting in a professional capacity, and who have reason to believe that a child has been subjected to abuse or neglect, must notify the local department of social services or the appropriate law enforcement agency. An "educator or human service worker" includes any teacher, counselor, social worker, caseworker, and parole or probation officer. If the worker is acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution, then the individual must notify the head of the institution or the designee.

An employee of a public elementary or secondary school must report any incidence of suspected gang activity or similar destructive or illegal group behavior promptly to the principal of the school and, as appropriate, the school security officer. The principal and school security officer may take appropriate action to maintain a safe and secure school environment, including the provision of appropriate intervention services.

If a student is arrested for a reportable offense or an offense that is related to a student's membership in a criminal gang, the law enforcement agency making the arrest must notify specified school officials and may notify the State's Attorney. Statute defines "reportable offenses," which include crimes of violence.

Additional Comments: The bill's requirements apply to nonpublic schools that receive Nonpublic Textbook and Technology Grants funding and private, nonprofit higher education institutions that receive State aid through the Joseph A. Sellinger Program. In addition, the bill may apply to institutions that receive State financial aid funds on behalf of students, including private career schools.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Queen Anne's and St. Mary's counties, Maryland Higher Education Commission, Maryland School for the Deaf, Baltimore City Community College, Department of Legislative Services

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