

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 1147

(Washington County Senators)

Judicial Proceedings

Juveniles – Reportable Offenses

This bill requires a local superintendent or school principal to transmit information concerning “reportable offenses” or offenses related to a student’s membership in a criminal gang to a superintendent of another public school system or nonpublic school in the State under specified circumstances.

It also requires the Department of Juvenile Services (DJS), for students committed to its custody, to notify the local superintendent and the school principal of a school in which the student has enrolled or to which the student has been transferred of the student’s arrest for a reportable offense and the disposition of the reportable offense.

Fiscal Summary

State Effect: DJS can comply with the bill’s requirements using existing budgeted resources. Revenues are not affected.

Local Effect: It is anticipated that local school systems can implement procedures to comply with the bill’s requirements using existing budgeted resources.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: Statutory provisions set forth requirements relating to the sharing of information regarding juveniles who have been arrested for “reportable offenses.” Reportable offenses include specified violent crimes and various gang-,

weapons-, drug-, theft-, and intimidation-related charges; malicious destruction of property; second-degree assault; and auto theft.

If a student is arrested for a reportable offense or an offense related to the student's membership in a criminal gang, the law enforcement agency making the arrest must notify, within 24 hours of an arrest or as soon as practicable, the local superintendent and the school principal. A school security officer must also be notified, for a school with such an officer. The State's Attorney must promptly notify either the local superintendent or the school principal of the disposition of such offenses.

Except by order of a juvenile court or other court on good cause shown, such information is confidential and may not be redisclosed by subpoena or otherwise and may not be part of the student's permanent educational record. However, under current law, a local superintendent or school principal is not prohibited from transmitting this information 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 been enrolled or transferred if the disposition of the reportable offense was a conviction or an adjudication of delinquency or if the criminal charge or delinquency petition is still pending. The bill *requires* the superintendent or school principal to transmit such information; information received from DJS pursuant to the bill's new notification requirement must also be transmitted.

The State Board of Education must adopt regulations to ensure that the information obtained is (1) used to provide appropriate educational programming and related services to the student and to maintain a safe and secure school environment and (2) transmitted only to school personnel of the school in which the student is enrolled as necessary to carry out this purpose. Regulations must also ensure that the information is destroyed when the student graduates or otherwise permanently leaves school or reaches age 22, whichever occurs first. The bill extends these provisions to information received from DJS, as required by the bill.

"School principal" includes the principal of a nonpublic school. A "local superintendent" includes the superintendent of schools for the Archdiocese of Baltimore or Washington and the Catholic Diocese of Wilmington.

Additional Comment: It is anticipated that nonpublic schools can implement procedures to comply with the bill's requirements with minimal impact.

Additional Information

Prior Introductions: None.

Cross File: HB 1702 (Washington County Delegation) - Judiciary.

Information Source(s): Garrett and Montgomery counties; Maryland State Department of Education; Department of Juvenile Services; Department of Legislative Services

Fiscal Note History: First Reader - March 12, 2018
mm/rhh

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