

SENATE BILL 13

E3
SB 1147/18 – JPR

(PRE-FILED)

9lr0773

By: **Senator Serafini**

Requested: November 16, 2018

Introduced and read first time: January 9, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Juveniles – Reportable Offenses**

3 FOR the purpose of requiring the Department of Juvenile Services to notify a certain local
4 superintendent of schools or school principal of a certain student’s arrest for a
5 reportable offense or an offense related to a certain student’s membership in a
6 certain gang and the disposition of the reportable offense; requiring the Department
7 of Juvenile Services to provide certain educational programming information to a
8 certain student; making certain conforming changes; and generally relating to
9 juveniles and reportable offenses.

10 BY repealing and reenacting, with amendments,
11 Article – Education
12 Section 7–303
13 Annotated Code of Maryland
14 (2018 Replacement Volume and 2018 Supplement)

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

17 **Article – Education**

18 7–303.

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (5) “Local superintendent” means:

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

6 (ii) The superintendent of schools for the:

7 1. Archdiocese of Baltimore;

8 2. Archdiocese of Washington; and

9 3. Catholic Diocese of Wilmington.

10 (6) “Reportable offense” means:

11 (i) A crime of violence, as defined in § 14–101 of the Criminal Law
12 Article;

13 (ii) Any of the offenses enumerated in § 3–8A–03(d)(4) of the Courts
14 Article;

15 (iii) A violation of § 4–101, § 4–102, § 4–203, or § 4–204 of the
16 Criminal Law Article;

17 (iv) A violation of §§ 5–602 through 5–609, §§ 5–612 through 5–614,
18 § 5–617, § 5–618, § 5–627, or § 5–628 of the Criminal Law Article;

19 (v) A violation of § 4–503, § 9–504, or § 9–505 of the Criminal Law
20 Article;

21 (vi) A violation of § 6–102, § 6–103, § 6–104, or § 6–105 of the
22 Criminal Law Article;

23 (vii) A violation of § 9–802 or § 9–803 of the Criminal Law Article;

24 (viii) A violation of § 3–203 of the Criminal Law Article;

25 (ix) A violation of § 6–301 of the Criminal Law Article;

26 (x) A violation of § 9–302, § 9–303, or § 9–305 of the Criminal Law
27 Article;

28 (xi) A violation of § 7–105 of the Criminal Law Article;

1 (xii) A violation of § 6–202 of the Criminal Law Article; or

2 (xiii) A violation of § 10–606 of the Criminal Law Article.

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

5 (8) (i) “School security officer” includes a school principal, another
6 school administrator, a law enforcement officer, or other individual employed by a local
7 school system or a local government who is designated by the county superintendent or a
8 school principal to help maintain the security and safety of a school.

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

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

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

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

17 (i) The local superintendent;

18 (ii) The school principal; and

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

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

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

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

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

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

1 (e) (1) Notwithstanding the provisions of subsection (d) of this section, nothing
2 shall prohibit a local superintendent or school principal from transmitting the information
3 obtained pursuant to subsections (b) [and], (c), AND (F) of this section as a confidential file
4 to the local superintendent of another public school system in the State or another
5 nonpublic school in the State in which the student has enrolled or been transferred in order
6 to carry out the purposes of this section if the disposition of the reportable offense was a
7 conviction or an adjudication of delinquency or the criminal charge or delinquency petition
8 is still pending.

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

12 **(F) (1) FOR A STUDENT COMMITTED TO THE CUSTODY OF THE**
13 **DEPARTMENT OF JUVENILE SERVICES, THE DEPARTMENT SHALL NOTIFY THE**
14 **LOCAL SUPERINTENDENT AND THE SCHOOL PRINCIPAL OF A SCHOOL IN WHICH THE**
15 **STUDENT HAS ENROLLED OR TO WHICH THE STUDENT HAS BEEN TRANSFERRED OF**
16 **THE STUDENT'S ARREST FOR A REPORTABLE OFFENSE OR AN OFFENSE THAT IS**
17 **RELATED TO THE STUDENT'S MEMBERSHIP IN A CRIMINAL GANG AND THE**
18 **DISPOSITION OF THE REPORTABLE OFFENSE.**

19 **(2) THE DEPARTMENT SHALL ALSO PROVIDE INFORMATION**
20 **REGARDING ANY EDUCATIONAL PROGRAMMING AND RELATED SERVICES PROVIDED**
21 **TO THE STUDENT.**

22 **[(f)] (G)** The State Board shall adopt regulations to ensure that information
23 obtained by a local superintendent, a school principal, or a school security officer under
24 subsections (b), (c), [and] (e), AND (F) of this section is:

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

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

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

33 **[(g)] (H)** (1) Except as otherwise provided in paragraph (2) of this subsection,
34 the local superintendent and the school principal shall consider prohibiting a student who
35 is arrested for a reportable offense involving rape or a sexual offense from attending the
36 same school or riding on the same school bus as the alleged victim of the reportable offense
37 if such action is necessary or appropriate to protect the physical or psychological well-being
38 of the alleged victim.

1 (2) If a student is arrested for a reportable offense involving rape or a
2 sexual offense and is convicted of or adjudicated delinquent for the rape or sexual offense,
3 the student may not attend the same school or ride on the same school bus as the victim.

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

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

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
10 1, 2019.