

# SENATE BILL 165

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By: **The President (By Request – Administration) and Senators Bailey, Carozza, Cassilly, Eckardt, Edwards, Gallion, Hershey, Hough, Jennings, Ready, Salling, Serafini, Simonaire, and West**

Introduced and read first time: January 21, 2019

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Safe Schools Maryland Act of 2019**

3 FOR the purpose of establishing the Safe Schools Maryland Program in the Maryland  
4 Center for School Safety; providing for the purpose of the program; requiring the  
5 School Safety Subcabinet to develop certain program guidance on or before a certain  
6 date; authorizing local school systems to elect to participate in the program;  
7 requiring a local school system that elects to participate in the program to follow  
8 certain program guidance; requiring the Center to perform certain tasks related to  
9 the program; providing that certain documents and information are confidential and  
10 may be released only under certain circumstances; providing that certain documents  
11 and information are not subject to the Maryland Public Information Act; providing  
12 that certain entities may not compel disclosure of certain documents and  
13 information; authorizing a court to compel disclosure of certain documents and  
14 information if certain evidentiary requirements are met; prohibiting a person from  
15 willfully disclosing a document or information in violation of this Act; establishing  
16 certain penalties for a certain violation of this Act; prohibiting a person from being  
17 subject to criminal prosecution or civil liability for good faith actions relating to  
18 report or receipt of documents or information under the program; requiring the  
19 Subcabinet, beginning in a certain year, to submit a certain report to the Governor  
20 and the General Assembly on or before a certain date each year; defining a certain  
21 term; and generally relating to the Safe Schools Maryland Program.

22 BY adding to

23 Article – Education

24 Section 7–1513

25 Annotated Code of Maryland

26 (2018 Replacement Volume and 2018 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 That the Laws of Maryland read as follows:

2 **Article – Education**

3 **7–1513.**

4 **(A) IN THIS SECTION, “PROGRAM” MEANS THE SAFE SCHOOLS MARYLAND**  
5 **PROGRAM.**

6 **(B) THERE IS A SAFE SCHOOLS MARYLAND PROGRAM IN THE CENTER.**

7 **(C) (1) THE PURPOSE OF THE PROGRAM IS TO ESTABLISH PROCEDURES**  
8 **FOR ANONYMOUS REPORTING OF BEHAVIORS OF CONCERN AND OTHER**  
9 **DANGEROUS, VIOLENT, OR UNLAWFUL ACTIVITIES, OR THE THREAT OF THESE**  
10 **ACTIVITIES, INVOLVING ONE OR MORE STUDENTS.**

11 **(2) LOCAL SCHOOL SYSTEMS MAY ELECT TO PARTICIPATE IN THE**  
12 **PROGRAM.**

13 **(D) (1) ON OR BEFORE SEPTEMBER 1, 2019, THE SUBCABINET SHALL**  
14 **DEVELOP PROGRAM GUIDANCE FOR IMPLEMENTATION OF THE PROGRAM IN LOCAL**  
15 **SCHOOL SYSTEMS.**

16 **(2) A LOCAL SCHOOL SYSTEM THAT ELECTS TO PARTICIPATE IN THE**  
17 **PROGRAM SHALL FOLLOW PROGRAM GUIDANCE DEVELOPED BY THE SUBCABINET.**

18 **(E) THE CENTER SHALL:**

19 **(1) TRAIN PERSONNEL IN LOCAL SCHOOL SYSTEMS AND INDIVIDUAL**  
20 **SCHOOLS, LAW ENFORCEMENT, PUBLIC SAFETY ANSWERING POINT PERSONNEL,**  
21 **AND OTHER ENTITIES, AS DETERMINED BY THE CENTER, ON THE PROGRAM AND**  
22 **APPROPRIATE RESPONSES TO INFORMATION PROVIDED TO THE PROGRAM;**

23 **(2) PROVIDE PROGRAM AWARENESS AND EDUCATIONAL MATERIALS**  
24 **FOR LOCAL SCHOOL SYSTEMS TO DISTRIBUTE TO STUDENT GROUPS AND PARENT OR**  
25 **COMMUNITY ORGANIZATIONS;**

26 **(3) DEVELOP TRAINING CURRICULUM AND TEACHING MATERIALS**  
27 **FOR A TRAIN–THE–TRAINER PROGRAM; AND**

28 **(4) CONDUCT TRAINING IN ALL GEOGRAPHIC REGIONS OF THE**  
29 **STATE.**

30 **(F) (1) A DOCUMENT SENT TO OR INFORMATION REPORTED TO THE**

1 **CENTER OR A LOCAL SCHOOL SYSTEM UNDER THE PROGRAM:**

2 **(I) IS CONFIDENTIAL AND MAY NOT BE RELEASED EXCEPT AS**  
3 **PROVIDED IN REGULATIONS; AND**

4 **(II) IS NOT SUBJECT TO DISCLOSURE UNDER THE MARYLAND**  
5 **PUBLIC INFORMATION ACT.**

6 **(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**  
7 **PARAGRAPH, ANY JUDICIAL, LEGISLATIVE, OR ADMINISTRATIVE BODY, OR ANY**  
8 **OTHER ENTITY THAT HAS THE POWER TO ISSUE SUBPOENAS MAY NOT COMPEL ANY**  
9 **PERSON TO DISCLOSE A DOCUMENT OR INFORMATION REPORTED TO THE PROGRAM.**

10 **(II) A COURT MAY COMPEL DISCLOSURE OF A DOCUMENT OR**  
11 **INFORMATION REPORTED TO THE PROGRAM IF THE COURT FINDS THAT THE PARTY**  
12 **SEEKING DISCLOSURE HAS ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE**  
13 **THAT:**

14 **1. THE DOCUMENT OR INFORMATION IS RELEVANT TO A**  
15 **SIGNIFICANT LEGAL ISSUE BEFORE ANY JUDICIAL, LEGISLATIVE, OR**  
16 **ADMINISTRATIVE BODY, OR ANY ENTITY THAT HAS THE POWER TO ISSUE**  
17 **SUBPOENAS;**

18 **2. THE DOCUMENT OR INFORMATION COULD NOT, WITH**  
19 **DUE DILIGENCE, BE OBTAINED BY ALTERNATE MEANS; AND**

20 **3. THERE IS AN OVERRIDING PUBLIC INTEREST IN**  
21 **DISCLOSURE.**

22 **(3) A PERSON WHO WILLFULLY DISCLOSES A DOCUMENT OR**  
23 **INFORMATION TO ANOTHER PERSON IN VIOLATION OF THIS SUBSECTION IS GUILTY**  
24 **OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO IMPRISONMENT NOT**  
25 **EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

26 **(G) A PERSON IS NOT SUBJECT TO CRIMINAL PROSECUTION OR CIVIL**  
27 **LIABILITY FOR GOOD FAITH ACTIONS RELATING TO REPORT OR RECEIPT OF**  
28 **DOCUMENTS OR INFORMATION UNDER THE PROGRAM.**

29 **(H) (1) ON OR BEFORE JULY 15 EACH YEAR, BEGINNING IN 2020, THE**  
30 **SUBCABINET SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH §**  
31 **2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.**

32 **(2) THE REPORT SHALL INCLUDE:**

- 1                   **(I) THE NUMBER OF REPORTS SUBMITTED TO THE PROGRAM;**
- 2                   **(II) A SUMMARY OF THE DATES, TIMES, AND MEANS OF**  
3 **REPORTS;**
- 4                   **(III) A SUMMARY OF THE NATURE OF REPORTS IN CATEGORIES**  
5 **ESTABLISHED BY THE SUBCABINET; AND**
- 6                   **(IV) A SUMMARY OF ACTIONS TAKEN BY THE CENTER OR LOCAL**  
7 **SCHOOL SYSTEM ON RECEIPT OF REPORTS.**
- 8           **(I) THE SUBCABINET MAY ADOPT REGULATIONS FOR THE**  
9 **ADMINISTRATION OF THE PROGRAM.**

10           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
11 1, 2019.