SENATE BILL 165

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

A BILL ENTITLED

AN ACT concerning

Safe Schools Maryland Act of 2019

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

BY adding to

Article – Education
Section 7–1513
Annotated Code of Maryland
(2018 Replacement Volume and 2018 Supplement)

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

Article – Education

7–1513.

(A) In this section, “program” means the Safe Schools Maryland program.

(B) There is a Safe Schools Maryland Program in the Center.

(C) (1) The purpose of the program is to establish procedures for anonymous reporting of behaviors of concern and other dangerous, violent, or unlawful activities, or the threat of these activities, involving one or more students.

(2) Local school systems may elect to participate in the program.

(D) (1) On or before September 1, 2019, the Subcabinet shall develop program guidance for implementation of the program in local school systems.

(2) A local school system that elects to participate in the program shall follow program guidance developed by the Subcabinet.

(E) The Center shall:

(1) Train personnel in local school systems and individual schools, law enforcement, public safety answering point personnel, and other entities, as determined by the Center, on the program and appropriate responses to information provided to the program;

(2) Provide program awareness and educational materials for local school systems to distribute to student groups and parent or community organizations;

(3) Develop training curriculum and teaching materials for a Train–The–Trainer program; and

(4) Conduct training in all geographic regions of the State.

(F) (1) A document sent to or information reported to the
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CENTER OR A LOCAL SCHOOL SYSTEM UNDER THE PROGRAM:

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

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

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

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

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

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

3. THERE IS AN OVERRIDING PUBLIC INTEREST IN DISCLOSURE.

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

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

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

(2) THE REPORT SHALL INCLUDE:
(I) The number of reports submitted to the program;

(II) A summary of the dates, times, and means of reports;

(III) A summary of the nature of reports in categories established by the Subcabinet; and

(IV) A summary of actions taken by the Center or local school system on receipt of reports.

(I) The Subcabinet may adopt regulations for the administration of the program.

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