

HOUSE BILL 1649

F1, E4

EMERGENCY BILL

0lr3651

By: **Delegates Long, Boteler, Jalisi, Mangione, and Wilson**

Introduced and read first time: February 28, 2020

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Reporting Arrests of Students – Alterations**

3 FOR the purpose of requiring a certain law enforcement agency to report a certain arrest
4 of a certain student to the Maryland Center for School Safety, the State Board of
5 Education, and the State’s Attorney; requiring the State’s Attorney to notify the
6 Maryland Center for School Safety and the State Board of the disposition of a certain
7 reportable offense; authorizing the Maryland Center for School Safety and the State
8 Board to transmit certain information to a certain county superintendent of schools
9 or a certain nonpublic school in a certain manner under certain circumstances;
10 requiring a county superintendent to provide a certain notice to the Maryland Center
11 for School Safety and the State Board under certain circumstances; making
12 conforming changes; making this Act an emergency measure; and generally relating
13 to reporting arrests of students attending public and nonpublic schools in the State.

14 BY repealing and reenacting, with amendments,
15 Article – Education
16 Section 7–303(b) through (i)
17 Annotated Code of Maryland
18 (2018 Replacement Volume and 2019 Supplement)

19 BY adding to
20 Article – Education
21 Section 7–303(f)
22 Annotated Code of Maryland
23 (2018 Replacement Volume and 2019 Supplement)

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

26 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 7-303.

2 (b) If a student is arrested for a reportable offense or an offense that is related to
3 the student's membership in a criminal gang, the law enforcement agency making the
4 arrest[:

5 (1) Shall] **SHALL** notify the following [individuals] **PERSONS** of the arrest
6 and the charges within 24 hours of the arrest or as soon as practicable:

7 [(i)] **(1)** The local superintendent;

8 [(ii)] **(2)** The school principal; [and]

9 [(iii)] **(3)** For a school that has a school security officer, the school
10 security officer; [and]

11 **(4) THE MARYLAND CENTER FOR SCHOOL SAFETY;**

12 **(5) THE STATE BOARD; AND**

13 [(2)] **(6)** [May notify the] **THE** State's Attorney [of the arrest and
14 charges].

15 (c) The State's Attorney shall promptly notify [either] the local superintendent,
16 [or] the school principal, **THE MARYLAND CENTER FOR SCHOOL SAFETY, AND THE**
17 **STATE BOARD** of the disposition of the reportable offense required to be reported under
18 subsection (b) of this section.

19 (d) Except by order of a juvenile court or other court upon good cause shown, the
20 information obtained by [an individual] **A PERSON** pursuant to subsections (b) and (c) of
21 this section:

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

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

25 (e) (1) Notwithstanding the provisions of subsection (d) of this section, nothing
26 shall prohibit a local superintendent [or], A school principal, **THE MARYLAND CENTER**
27 **FOR SCHOOL SAFETY, OR THE STATE BOARD** from transmitting the information
28 obtained pursuant to subsections (b) and (c) of this section as a confidential file to the local
29 superintendent of another public school system in the State or another nonpublic school in
30 the State in which the student has enrolled or been transferred in order to carry out the
31 purposes of this section if the disposition of the reportable offense was a conviction or an
32 adjudication of delinquency or the criminal charge or delinquency petition is still pending.

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

4 **(F) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (D) OF THIS**
5 **SECTION, A LOCAL SUPERINTENDENT SHALL NOTIFY THE MARYLAND CENTER FOR**
6 **SCHOOL SAFETY AND THE STATE BOARD WHEN A STUDENT WHOSE INFORMATION**
7 **HAS BEEN OBTAINED UNDER SUBSECTION (B) OF THIS SECTION NO LONGER RESIDES**
8 **WITHIN THE JURISDICTION OF THE COUNTY BOARD.**

9 **[(f)] (G)** The State Board shall adopt regulations to ensure that information
10 obtained by a local superintendent, a school principal, **[or]** a school security officer, **THE**
11 **MARYLAND CENTER FOR SCHOOL SAFETY, OR THE STATE BOARD** under subsections
12 (b), (c), **[and]** (e), **AND (F)** of this section is:

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

16 (2) Transmitted only to school personnel of the school in which the student
17 is enrolled, **THE MARYLAND CENTER FOR SCHOOL SAFETY, OR THE STATE BOARD** as
18 necessary to carry out the purposes set forth in item (1) of this subsection; and

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

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

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

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

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

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1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
2 measure, is necessary for the immediate preservation of the public health or safety, has
3 been passed by a yea and nay vote supported by three-fifths of all the members elected to
4 each of the two Houses of the General Assembly, and shall take effect from the date it is
5 enacted.