

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 386 (Senator Folden)

Education, Energy, and the Environment and
Judicial Proceedings

Primary and Secondary Education - Definition and Notification of Reportable
Offense - Alterations

This bill expands the definition of “reportable offense” to include an offense that occurs on the premises of a school or at an event sponsored by a school. It also requires the Department of Juvenile Services (DJS) to promptly notify the local superintendent and the school principal if, in regard to a reportable offense, an intake officer (1) proposes an informal adjustment or (2) denies authorization to file a petition. **The bill takes effect July 1, 2025.**

Fiscal Summary

State Effect: Any change in State activities does not materially affect State finances.

Local Effect: Any change in local school system activities does not materially affect local finances.

Small Business Effect: None.

Analysis

Current Law:

Reportable Offenses

When a student is arrested for a “reportable offense” or an offense related to the student’s membership in a criminal organization, the law enforcement agency making the arrest *must*

notify (1) the local superintendent; (2) the school principal; and (3) if appropriate, the school security officer. The law enforcement agency *may* also notify the State's Attorney.

A reportable offense is an offense that (1) occurred off school premises; (2) did not occur at an event sponsored by the school; and (3) includes a crime of violence, as specified in current law, and numerous other specified weapons-, drug-, assault-, and theft-related offenses. If a student is removed or excluded from the student's regular school for a reportable offense, the student's attorney (if applicable) must be invited to participate in a conference between the student or the student's parent or guardian and the principal or county superintendent.

Except by order of a juvenile court with good cause shown, information about a student's arrest is confidential and may not be redisclosed, except as specified, and may not be part of the student's permanent educational record. A superintendent may share the information as part of a confidential file with another superintendent or a nonpublic school in the State in which the student has enrolled. The information shared must include information regarding any educational programming and related services provided to the student. The State Board of Education is required to adopt regulations to ensure that information obtained by local superintendents, principals, or school security officers is used only for specified educational purposes and is destroyed when the student graduates, otherwise permanently leaves school, or turns 22 years old, whichever comes first.

Arrests on School Premises

The Code of Maryland Regulations specifies that, when an arrest takes place on school premises or during school hours, school officials must make every effort to inform parents or guardians immediately and the local superintendent promptly. Arrests on school premises during school hours must be done in a manner to avoid both embarrassment to the student and jeopardizing the safety and welfare of other students. School officials may not allow questioning of a student under arrest on school premises. Data on school arrests are reported to the Maryland State Department of Education in a manner and format developed by the department.

Juvenile Court Jurisdiction

In general, the juvenile court has jurisdiction over children who are alleged to be delinquent, in need of supervision, or who have received a citation for specified violations. The juvenile court also has jurisdiction over peace order proceedings in which the respondent is a child.

The juvenile court has jurisdiction over a child who is at least age 10 and is alleged to have committed an act that would, if committed by an adult, be (1) a "crime of violence" (as

defined in § 14-101 of the Criminal Law Article); (2) specified crimes involving handguns and firearms; (3) aggravated cruelty to animals; or (4) a third-degree sexual offense. Outside of these circumstances, the juvenile court does not have jurisdiction over a child younger than age 13 for purposes of a delinquency proceeding, and such a child may not be charged with a crime. A child of any age may be adjudicated a child in need of supervision (CINS) and subject to the juvenile court's jurisdiction under applicable provisions.

The juvenile court does not have jurisdiction over (1) a child at least age 14 alleged to have committed an act which, if committed by an adult, would be a crime punishable by life imprisonment; (2) a child at least age 16 alleged to have violated specified traffic or boating laws; (3) a child at least age 16 alleged to have committed specified crimes (violent crimes, firearms crimes, etc.); or (4) a child who previously has been convicted as an adult of a felony and is subsequently alleged to have committed an act that would be a felony if committed by an adult. These cases are tried in adult criminal court.

Jurisdictional Inquiry and Informal Adjustment

Generally, if a complaint is filed with DJS, an intake officer is required to make an inquiry to determine whether the juvenile court has jurisdiction and whether judicial action is in the best interests of the public or the child. Subject to numerous exceptions and restrictions, and, in certain instances, additional review by the State's Attorney's Office, in general, an intake officer may (1) deny authorization to file a petition in the juvenile court; (2) propose an informal adjustment of the matter; or (3) authorize the filing of a petition in the juvenile court. A petition is the pleading filed with the juvenile court alleging that a child is a delinquent child or a CINS.

During an informal adjustment process, the child is subject to such supervision as the intake officer deems appropriate. The process may not exceed 90 days unless the time is extended by the court or the intake officer determines that additional time is necessary for the child to complete a program that is part of the informal adjustment process.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 526 (Delegate Miller, *et al.*) - Ways and Means and Judiciary.

Information Source(s): Prince George's County; Maryland Association of Counties; Maryland State Department of Education; Department of Juvenile Services; Department of

State Police; Baltimore City Public Schools; Anne Arundel County Public Schools; Baltimore County Public Schools; Montgomery County Public Schools; St. Mary's County Public Schools; Department of Legislative Services

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