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**By: Allegany County Delegation**

Introduced and read first time: January 18, 1996

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Education - Students - Arrest for Reportable Offense**

3 FOR the purpose of expanding the list of offenses for which a law enforcement agency  
4 making an arrest of a child enrolled in the public school system is required to notify  
5 the local superintendent to include certain offenses involving certain controlled  
6 dangerous substances and certain alcoholic beverages; and generally relating to  
7 arrests for reportable offenses.

8 BY repealing and reenacting, with amendments,  
9 Article - Education  
10 Section 7-302.1  
11 Annotated Code of Maryland  
12 (1992 Replacement Volume and 1995 Supplement)

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

15 **Article - Education**

16 7-302.1.

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

18 (2) "Law enforcement agency" means the law enforcement agencies listed in  
19 Article 27, § 727(b) of the Code.

20 (3) "Local school system" means the schools and school programs under the  
21 supervision of the local superintendent.

22 (4) "Local superintendent" means the county superintendent, for the county  
23 in which a child is enrolled, or a designee of the superintendent, who is an administrator.

24 (5) "Reportable offense" means:

25 (i) A crime of violence, as defined in Article 27, § 643B of the Code;

26 (ii) Any of the offenses enumerated in § 3-804(e)(4) of the Courts  
27 Article; [or]

28 (iii) A violation of Article 27, § 36, § 36A, or § 36B of the Code[.]; OR

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1 (IV) AN OFFENSE INVOLVING:

2 1. A CONTROLLED DANGEROUS SUBSTANCE, AS DEFINED IN  
3 ARTICLE 27, § 277(F) OF THE CODE; OR

4 2. AN ALCOHOLIC BEVERAGE, AS DEFINED IN ARTICLE 2B, §  
5 1-102 OF THE CODE.

6 (b) If a child enrolled in the public school system is arrested for a reportable  
7 offense, the law enforcement agency making the arrest shall notify the local  
8 superintendent of the arrest and the charges within 24 hours of the arrest or as soon as  
9 practicable.

10 (c) The State's Attorney shall promptly notify the local superintendent of the  
11 disposition of the reportable offense required to be reported under subsection (b) of this  
12 section.

13 (d) Except by order of a juvenile court or other court upon good cause shown, the  
14 information obtained by a local superintendent pursuant to subsections (b) and (c) of this  
15 section:

16 (1) Is confidential and may not be redisclosed by subpoena or otherwise  
17 except as provided pursuant to subsection (e) of this section; and

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

19 (e) By no later than September 1, 1995, the State Board shall adopt regulations to  
20 ensure that information obtained by a local superintendent under subsections (b) and (c)  
21 of this section is:

22 (1) Used to provide appropriate educational programming and related  
23 services to the child and to maintain a safe and secure school environment for students  
24 and school personnel; and

25 (2) Transmitted only to the school principal of the school in which the child  
26 is enrolled and other school personnel necessary to carry out the purposes set forth in  
27 subsection (e)(1) of this section.

28 (f) Nothing in this section is intended to limit the manner in which a local school  
29 obtains information or uses information obtained by any lawful means other than that set  
30 forth in subsections (b) and (c) of this section.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 October 1, 1996.