

HOUSE BILL 438

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1998 Regular Session
8r2105
CF SB 37

By: **Delegate Getty**

Introduced and read first time: February 4, 1998

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Notice of Arrest - Controlled Dangerous Substance Offenses**

3 FOR the purpose of adding arrests of public school students for certain controlled
4 dangerous substance offenses to a list of offenses that are required to be
5 reported to the local superintendent of schools by the arresting law enforcement
6 agency; and generally relating to the reporting of arrests of public school
7 students.

8 BY repealing and reenacting, with amendments,
9 Article - Education
10 Section 7-303
11 Annotated Code of Maryland
12 (1997 Replacement Volume and 1997 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 7-303.

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

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

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

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

25 (5) "Reportable offense" means:

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

- 1 (ii) Any of the offenses enumerated in § 3-804(e)(4) of the Courts
2 Article; [or]
- 3 (iii) A violation of Article 27, § 36, § 36A, or § 36B of the Code; OR
- 4 (IV) A VIOLATION OF ARTICLE 27, § 286, § 286A, § 286B, § 286C, OR §
5 286D.

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
9 as 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
12 this section.

13 (d) Except by order of a juvenile court or other court upon good cause shown,
14 the information obtained by a local superintendent pursuant to subsections (b) and (c)
15 of this 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
20 regulations to ensure that information obtained by a local superintendent under
21 subsections (b) and (c) 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
24 students and school personnel; and

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

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

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 July 1, 1998.