
By: **Allegany County Delegation**

Introduced and read first time: February 5, 1998

Assigned to: Judiciary

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
5 notify the local superintendent to include certain offenses involving certain
6 controlled dangerous substances and certain alcoholic beverages; and generally
7 relating to arrests for reportable offenses.

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) AN OFFENSE INVOLVING:

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

7 2. AN ALCOHOLIC BEVERAGE, AS DEFINED IN ARTICLE 2B, §
8 1-102 OF THE CODE.

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

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

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

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

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

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

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

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

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

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 1998.