

HOUSE BILL 485

Unofficial Copy  
F1  
HB 438/98 - JUD

1999 Regular Session  
9lr0483

---

By: **Delegates Getty, K. Kelly, Amedori, Taylor, Edwards, Stocksdale, and Elliott**

Introduced and read first time: February 10, 1999

Assigned to: Judiciary

---

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 1998 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:

- 1 (i) A crime of violence, as defined in Article 27, § 643B of the Code;
- 2 (ii) Any of the offenses enumerated in § 3-804(e)(4) of the Courts  
3 Article; [or]
- 4 (iii) A violation of Article 27, § 36, § 36A, or § 36B of the Code; OR
- 5 (IV) A VIOLATION OF ARTICLE 27, § 286, § 286A, § 286B, § 286C, OR §  
6 286D.

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

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

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

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

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

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

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

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

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

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 July 1, 1999.