

SENATE BILL 391

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1999 Regular Session
9lr0437
CF 9lr1113

By: **Senator Ruben (Montgomery County Administration) and Senators
Dorman, Teitelbaum, Roesser, Collins, Jacobs, Forehand, Van Hollen,
Lawlah, Hooper, Hogan, and Hollinger**

Introduced and read first time: February 5, 1999
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 24, 1999

CHAPTER _____

1 AN ACT concerning

2 **School Safety Act of 1999**

3 FOR the purpose of ~~including certain additional offenses~~ adding an offense for which
4 a police officer may ~~execute~~ make a warrantless arrest; adding certain arrests of
5 public school students for certain controlled dangerous substance offenses and
6 certain offenses related to explosives to a list of offenses that are required to be
7 reported to the local superintendent of schools by the arresting law enforcement
8 agency; prohibiting threats of bodily harm to certain individuals on school
9 vehicles, at school-sponsored activities held off school property, or on property
10 owned by a county board of education and used for administrative or other
11 purposes; prohibiting threats of bodily harm to certain employees at home;
12 providing for certain penalties; increasing the maximum fine for certain
13 violations; and generally relating to school safety.

14 BY repealing and reenacting, without amendments,
15 Article 27 - Crimes and Punishments
16 Section 594B(e)
17 Annotated Code of Maryland
18 (1996 Replacement Volume and 1998 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article 27 - Crimes and Punishments
21 Section 594B(f)
22 Annotated Code of Maryland
23 (1996 Replacement Volume and 1998 Supplement)

1 BY repealing and reenacting, with amendments,
2 Article - Education
3 Section 7-303(a) and 26-101
4 Annotated Code of Maryland
5 (1997 Replacement Volume and 1998 Supplement)

6 BY repealing and reenacting, without amendments,
7 Article - Education
8 Section 7-303(b) through (d)
9 Annotated Code of Maryland
10 (1997 Replacement Volume and 1998 Supplement)

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

13 **Article 27 - Crimes and Punishments**

14 594B.

15 (e) A police officer may arrest a person without a warrant if the officer has
16 probable cause to believe:

17 (1) That an offense listed in subsection (f) of this section has been
18 committed;

19 (2) That the person has committed the offense; and

20 (3) That unless the person is immediately arrested:

21 (i) The person may not be apprehended;

22 (ii) The person may cause injury to the person or damage to the
23 property of one or more other persons; or

24 (iii) The person may tamper with, dispose of, or destroy evidence.

25 (f) The offenses referred to in subsection (e) of this section are:

26 (1) Those offenses specified in the following sections of Article 27, as they
27 may be amended from time to time:

28 (i) Section 8(a) (relating to malicious burning);

29 (ii) Section 36 (relating to carrying or wearing weapon) AND 36A
30 (RELATING TO CARRYING OR POSSESSING DEADLY WEAPON UPON SCHOOL
31 PROPERTY);

32 (iii) Section 111 (relating to destroying, injuring, etc., property of
33 another);

- 1 (iv) Section 156 (relating to giving a false alarm of a fire);
- 2 (v) Section 287 (relating to possession of hypodermic syringes, etc.,
3 restricted);
- 4 (vi) Sections 342 through 344 (theft) where the value of the property
5 stolen was less than \$300;
- 6 (vii) Sections 276 through 302 (relating to drugs and other
7 dangerous substances) as they shall be amended from time to time;
- 8 (viii) Section 36B (relating to handguns);
- 9 (ix) Section 388 (relating to manslaughter by automobile, etc.); and
- 10 (x) Section 335A (relating to indecent exposure).
- 11 (2) Attempts to commit the offenses specified in the following sections of
12 Article 27 as they may be amended from time to time:
- 13 (i) Section 8(a) (relating to malicious burning);
- 14 (ii) Section 111 (relating to destroying, injuring, etc., property of
15 another);
- 16 (iii) Sections 342 through 344 (theft) where the value of the property
17 stolen was less than \$300;
- 18 (iv) Section 33A (relating to breaking into a building or boat with
19 intent to steal); or
- 20 (v) Sections 276 through 302 (relating to drugs and other
21 dangerous substances), as they shall be amended from time to time.

22 **Article - Education**

23 7-303.

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

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

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

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

32 (5) "Reportable offense" means:

1 (i) A crime of violence, as defined in Article 27, § 643B of the Code
2 ~~(RELATING TO ABDUCTION, ARSON, KIDNAPPING, MANSLAUGHTER, MAYHEM AND~~
3 ~~MAIMING, MURDER, RAPE, ROBBERY, CARJACKING, SEXUAL OFFENSES, UNLAWFUL~~
4 ~~USE OF A HANDGUN, ASSAULT, ETC.);~~

5 (ii) Any of the offenses enumerated in § 3-804(e)(4) of the Courts
6 Article ~~(RELATING TO VARIOUS CRIMES OF VIOLENCE BY A CHILD AT LEAST 16 YEARS~~
7 ~~OLD); [or]~~

8 (iii) A violation of Article 27, § 36, § 36A, or § 36B of the Code
9 ~~(RELATING TO CARRYING OR WEARING WEAPON, CARRYING OR POSSESSING DEADLY~~
10 ~~WEAPON ON SCHOOL PROPERTY, ETC.);~~

11 (IV) A VIOLATION OF ARTICLE 27, § 286, § 286A, § 286B, § 286C, OR §
12 286D OF THE CODE ~~(RELATING TO VARIOUS CRIMES ASSOCIATED WITH CONTROLLED~~
13 ~~DANGEROUS SUBSTANCES); OR~~

14 (V) A VIOLATION OF ARTICLE 27, § 139(C), § 151(A), AND § 151(C) OF
15 THE CODE ~~(RELATING TO DESTRUCTIVE DEVICES, BOMBS, AND EXPLOSIVES).~~

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

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

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

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

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

29 26-101.

30 (a) A person may not willfully disturb or otherwise willfully prevent the
31 orderly conduct of the activities, administration, or classes of any institution of
32 elementary, secondary, or higher education.

33 (b) A person may not molest or threaten with bodily harm any student,
34 employee, administrator, agent, or any other individual [lawfully] WHO IS
35 LAWFULLY:

36 (1) [on] ON the grounds or in the immediate vicinity of any institution of
37 elementary, secondary, or higher education;

1 (2) ON A SCHOOL VEHICLE;

2 (3) AT AN ACTIVITY SPONSORED BY A SCHOOL THAT IS HELD OFF
3 SCHOOL PROPERTY; OR

4 (4) ON PROPERTY THAT IS OWNED BY A COUNTY BOARD AND IS USED
5 FOR ADMINISTRATIVE OR OTHER PURPOSES.

6 (C) A PERSON MAY NOT THREATEN WITH BODILY HARM ANY EMPLOYEE OF
7 ANY INSTITUTION OF ELEMENTARY, SECONDARY, OR HIGHER EDUCATION AT HOME
8 BY ANY MEANS, INCLUDING IN PERSON, BY TELEPHONE, OR BY ELECTRONIC MAIL.
9 THIS PROHIBITION APPLIES ONLY TO THREATS ARISING OUT OF THE SCOPE OF THE
10 EMPLOYEE'S ~~WORKPLACE~~ EMPLOYMENT.

11 [(c)] (D) In addition to the penalties provided in this section or in Article 27, §
12 578 of the Code, on application by the governing board of any institution of
13 elementary, secondary, or higher education, the circuit court of the county in which
14 the institution is located may issue an injunction restraining any specific activities
15 that violate this section.

16 [(d)] (E) Any person who violates any provision of [subsection (a) or (b) of]
17 this section is guilty of a misdemeanor and on conviction is subject to a fine not
18 exceeding [\$1,000] \$2,500, imprisonment not exceeding 6 months, or both.

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