
By: **Delegates King, Barkley, Boschert, Bozman, G. Clagett, Cryor, Dumais,
Feldman, Gilleland, Gutierrez, Krebs, Mandel, Murray, Petzold, and
Ramirez**

Introduced and read first time: January 19, 2004
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Searches of Students - School-Sponsored Trips - Teachers**

3 FOR the purpose of authorizing a teacher to make a certain search of certain students
4 on a school-sponsored trip under certain circumstances; making certain stylistic
5 changes; and generally relating to authorizing a certain teacher to make
6 searches of students on school-sponsored trips.

7 BY repealing and reenacting, with amendments,
8 Article - Education
9 Section 7-308
10 Annotated Code of Maryland
11 (2001 Replacement Volume and 2003 Supplement)

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

14 **Article - Education**

15 7-308.

16 (a) (1) A principal, assistant principal, or school security guard of a public
17 school may make a reasonable search of a student on the school premises [or on a
18 school-sponsored trip] if [he] THE SEARCHER has a reasonable belief that the
19 student has in [his] THE STUDENT'S possession an item, the possession of which is a
20 criminal offense under the laws of this State or a violation of any other State law or a
21 rule or regulation of the county board.

22 (2) The search shall be made in the presence of a third party.

23 (B) (1) A PRINCIPAL, ASSISTANT PRINCIPAL, SCHOOL SECURITY GUARD OF A
24 PUBLIC SCHOOL, OR A TEACHER OF A PUBLIC SCHOOL, WHO IS DESIGNATED IN
25 WRITING BY THE PRINCIPAL AND WHO HAS RECEIVED TRAINING TO CONDUCT
26 SEARCHES COMMENSURATE WITH THE TRAINING RECEIVED BY PRINCIPALS, MAY

1 MAKE A REASONABLE SEARCH OF A STUDENT ON A SCHOOL-SPONSORED TRIP IF
2 THE SEARCHER HAS A REASONABLE BELIEF THAT THE STUDENT HAS IN THE
3 STUDENT'S POSSESSION AN ITEM, THE POSSESSION OF WHICH IS A CRIMINAL
4 OFFENSE UNDER THE LAWS OF THIS STATE OR A VIOLATION OF ANY OTHER STATE
5 LAW OR A RULE OR REGULATION OF THE COUNTY BOARD.

6 (2) THE SEARCH SHALL BE MADE IN THE PRESENCE OF A THIRD PARTY.

7 [(b)] (C) (1) A principal, assistant principal, or school security guard of a
8 public school may make a search of the physical plant of the school and its
9 appurtenances including the lockers of students.

10 (2) The right of the school official to search the locker shall be announced
11 or published previously in the school.

12 [(c)] (D) The Department shall adopt rules and regulations relating to the
13 searches permitted under this section.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 July 1, 2004.