

# HOUSE BILL 507

R4, E3

71r0579

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By: **Prince George's County Delegation**

Introduced and read first time: February 6, 2007

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Juvenile Offenses and Absences from School –**  
3 **Administrative and Criminal Penalties**

4 **PG 317-07**

5 FOR the purpose of requiring the Circuit Court for Prince George's County sitting as a  
6 juvenile court, when making a certain disposition, to consider whether a certain  
7 offense committed by a child was committed during certain hours; providing  
8 that a person who is under a certain age and is convicted as an adult of a  
9 certain crime is subject to a certain increase in the person's term of  
10 imprisonment or fine if the trier of fact finds beyond a reasonable doubt that the  
11 person committed the crime during certain hours; requiring the principal or  
12 head teacher of a school in Prince George's County to report to the County  
13 Superintendent, the Supervisor of Personnel, or another designated official each  
14 time a certain child has accumulated two unexcused absences from a school in  
15 which the child is enrolled; requiring a certain representative of the school  
16 system, on receiving a certain report, to notify the Motor Vehicle Administration  
17 to suspend a certain child's driving privileges and to notify the child that the  
18 child's driving privilege will be suspended; requiring the Administration to  
19 suspend the driving privilege, subject to certain hearing requirements, for a  
20 certain period of time after receiving a certain notice from a representative of  
21 the Prince George's County school system; requiring the Administration to  
22 impose a certain fine on a certain child; defining certain terms; and generally  
23 relating to offenses committed by juveniles and absences from school in Prince  
24 George's County.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to  
2 Article – Courts and Judicial Proceedings  
3 Section 3–8A–19(c–1)  
4 Annotated Code of Maryland  
5 (2006 Replacement Volume)

6 BY adding to  
7 Article – Criminal Law  
8 Section 14–104  
9 Annotated Code of Maryland  
10 (2002 Volume and 2006 Supplement)

11 BY repealing and reenacting, without amendments,  
12 Article – Education  
13 Section 7–301(a)  
14 Annotated Code of Maryland  
15 (2006 Replacement Volume)

16 BY repealing and reenacting, with amendments,  
17 Article – Education  
18 Section 7–302  
19 Annotated Code of Maryland  
20 (2006 Replacement Volume)

21 BY repealing and reenacting, without amendments,  
22 Article – Transportation  
23 Section 12–203  
24 Annotated Code of Maryland  
25 (2006 Replacement Volume and 2006 Supplement)

26 BY adding to  
27 Article – Transportation  
28 Section 16–206.2  
29 Annotated Code of Maryland  
30 (2006 Replacement Volume and 2006 Supplement)

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

33 **Article – Courts and Judicial Proceedings**

34 3–8A–19.

1 (C-1) (1) THIS SUBSECTION APPLIES ONLY IN PRINCE GEORGE'S  
2 COUNTY.

3 (2) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE  
4 THE MEANINGS INDICATED.

5 (II) 1. "OFFENSE" MEANS AN ACT COMMITTED BY A  
6 CHILD IN THE STATE THAT IF COMMITTED BY AN ADULT WOULD BE A CRIME  
7 UNDER:

8 A. COMMON LAW; OR

9 B. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2  
10 OF THIS SUBPARAGRAPH, THE ANNOTATED CODE OF MARYLAND.

11 2. "OFFENSE" DOES NOT INCLUDE A VIOLATION OF  
12 THE TRANSPORTATION ARTICLE THAT IS NOT PUNISHABLE BY A TERM OF  
13 IMPRISONMENT.

14 (III) "SCHOOL HOURS" MEANS THE HOURS FROM 8 A.M. TO  
15 5 P.M., BOTH INCLUSIVE, ON DAYS WHEN THE PRINCE GEORGE'S COUNTY  
16 SCHOOLS ARE IN SESSION.

17 (3) IN MAKING A DISPOSITION ON A FINDING THAT A CHILD HAS  
18 COMMITTED AN OFFENSE, THE COURT SHALL TAKE INTO CONSIDERATION  
19 WHETHER THE OFFENSE WAS COMMITTED DURING SCHOOL HOURS.

20 Article - Criminal Law

21 14-104.

22 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
23 MEANINGS INDICATED.

24 (2) (I) "CRIME" MEANS AN ACT COMMITTED BY A PERSON IN  
25 THE STATE THAT IS A CRIME UNDER:

26 1. COMMON LAW; OR

1                   **2. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF**  
2 **THIS PARAGRAPH, THE ANNOTATED CODE OF MARYLAND.**

3                   **(II) "CRIME" DOES NOT INCLUDE A VIOLATION OF THE**  
4 **TRANSPORTATION ARTICLE THAT IS NOT PUNISHABLE BY A TERM OF**  
5 **IMPRISONMENT.**

6                   **(3) "SCHOOL HOURS" MEANS THE HOURS FROM 8 A.M. TO**  
7 **5 P.M., BOTH INCLUSIVE, ON DAYS WHEN THE PRINCE GEORGE'S COUNTY**  
8 **SCHOOLS ARE IN SESSION.**

9           **(B) (1) THIS SECTION APPLIES ONLY IN PRINCE GEORGE'S COUNTY.**

10           **(2) THIS SECTION APPLIES TO A PERSON WHO IS UNDER THE AGE**  
11 **OF 18 YEARS AND CONVICTED AS AN ADULT OF A CRIME.**

12           **(C) (1) IF THE TRIER OF FACT FINDS BEYOND A REASONABLE DOUBT**  
13 **THAT A PERSON COMMITTED A CRIME DURING SCHOOL HOURS, THE PERSON'S**  
14 **SENTENCE FOR THE CRIME IS SUBJECT TO AN INCREASE IN THE TERM OF**  
15 **IMPRISONMENT NOT EXCEEDING 1 YEAR AND AN INCREASE IN THE FINE NOT**  
16 **EXCEEDING \$10,000.**

17           **(2) THE INCREASED TERM OF IMPRISONMENT AND FINE**  
18 **SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION IS IN ADDITION TO ANY**  
19 **PENALTY IMPOSED FOR THE UNDERLYING CRIME.**

20   **Article - Education**

21 7-301.

22           (a) (1) Except as otherwise provided in this section, each child who  
23 resides in this State and is 5 years old or older and under 16 shall attend a public  
24 school regularly during the entire school year unless the child is otherwise receiving  
25 regular, thorough instruction during the school year in the studies usually taught in  
26 the public schools to children of the same age.

27           (2) In accordance with regulations of the State Board of Education, a  
28 child who resides in this State and is 5 years old may be exempted from mandatory  
29 school attendance for 1 year if the child's parent or guardian files a written request

1 with the local school system asking that the child's attendance be delayed due to the  
2 child's level of maturity.

3 (3) Except as provided in subsection (f) of this section or in regulations  
4 of the State Board of Education, each child who resides in this State shall attend a  
5 kindergarten program regularly during the school year prior to entering the first  
6 grade unless the child is otherwise receiving regular, thorough instruction in the skills  
7 and studies usually taught in a kindergarten program of a public school.

8 7-302.

9 (a) The principal or head teacher of each public or private school in this State  
10 shall report immediately to the county superintendent, the supervisor of pupil  
11 personnel, or any other official designated by the county superintendent the name of  
12 each child enrolled in his school who has been absent or irregular in attendance,  
13 without lawful excuse, or who shows evidence of maladjustment, so that the causes  
14 may be studied and solutions worked out.

15 (b) On receipt of a report from a principal or head teacher of a public school  
16 that a student has been habitually truant without lawful excuse, the appropriate  
17 representative of the school system:

18 (1) Shall initiate an investigation into the cause of the child's truancy;

19 (2) May provide counseling regarding the availability of social, health,  
20 and educational services; and

21 (3) Following the investigation or intervention:

22 (i) May notify the Department of Juvenile Services that the  
23 student has been habitually truant, without lawful excuse;

24 (ii) Shall notify the appropriate local department that the  
25 student has been habitually truant, without lawful excuse, if a court has given the  
26 notice authorized by § 3-819(b-1) of the Courts Article; and

27 (iii) Shall notify the Department of Juvenile Services that the  
28 student has been habitually truant, without lawful excuse, if a court has given the  
29 notice authorized by § 3-8A-19(d)(5) of the Courts Article.

30 (c) The county superintendent, the superintendent's designee, or the  
31 supervisor of pupil personnel shall provide to the local education agency for inclusion

1 in the report of the local education agency under § 7-304(f)(1) of this subtitle  
2 information regarding the number of students identified as being habitually truant.

3 **(D) (1) THIS SUBSECTION APPLIES ONLY IN PRINCE GEORGE'S**  
4 **COUNTY.**

5 **(2) THIS SUBSECTION APPLIES TO:**

6 **(I) A CHILD WHO IS REQUIRED UNDER § 7-301 OF THIS**  
7 **SUBTITLE TO ATTEND SCHOOL; AND**

8 **(II) A CHILD 16 YEARS OLD OR OLDER AND UNDER 18 WHO**  
9 **IS ENROLLED IN A PUBLIC OR PRIVATE SCHOOL IN THE COUNTY.**

10 **(3) EACH TIME A CHILD HAS ACCUMULATED TWO UNEXCUSED**  
11 **ABSENCES FROM A SCHOOL IN WHICH THE CHILD IS ENROLLED, THE PRINCIPAL**  
12 **OR HEAD TEACHER OF EACH PUBLIC OR PRIVATE SCHOOL IN THE COUNTY**  
13 **IMMEDIATELY SHALL REPORT THE NAME OF THE CHILD TO THE COUNTY**  
14 **SUPERINTENDENT, THE SUPERVISOR OF PUPIL PERSONNEL, OR ANY OTHER**  
15 **OFFICIAL DESIGNATED BY THE COUNTY SUPERINTENDENT.**

16 **(4) ON RECEIPT OF A REPORT UNDER PARAGRAPH(3) OF THIS**  
17 **SUBSECTION FROM A PRINCIPAL OR HEAD TEACHER, THE APPROPRIATE**  
18 **REPRESENTATIVE OF THE SCHOOL SYSTEM SHALL:**

19 **(I) NOTIFY THE MOTOR VEHICLE ADMINISTRATION TO**  
20 **SUSPEND THE DRIVING PRIVILEGE OF THE CHILD UNDER § 16-206.2 OF THE**  
21 **TRANSPORTATION ARTICLE; AND**

22 **(II) NOTIFY THE CHILD THAT THE CHILD'S DRIVING**  
23 **PRIVILEGE WILL BE SUSPENDED.**

24 **Article - Transportation**

25 12-203.

26 (a) If the Maryland Vehicle Law or a rule or regulation of the Administration  
27 provides that an applicant or licensee may request a hearing on refusal, suspension, or  
28 revocation of a license or privilege, the Administration shall give the applicant or  
29 licensee written notice under § 12-114 of this title of:

1 (1) The refusal, suspension, or revocation; and

2 (2) The right of the applicant or licensee to request a hearing.

3 (b) (1) Except as otherwise provided in the Maryland Vehicle Law, the  
4 applicant or licensee may request a hearing within 15 days from the date that the  
5 notice required by this section is mailed.

6 (2) The hearing shall be held within 30 days of the date of the request.

7 (3) The Administration shall render a decision within 30 days of a  
8 hearing conducted under Title 16, Subtitles 1 through 4 of this article.

9 **16-206.2.**

10 (A) **SUBJECT TO THE PROVISIONS OF SUBSECTION (C) OF THIS**  
11 **SECTION, ON RECEIPT OF NOTICE DESCRIBED UNDER § 7-302(D) OF THE**  
12 **EDUCATION ARTICLE THAT A CHILD HAS BEEN UNLAWFULLY ABSENT FROM**  
13 **SCHOOL TWO TIMES DURING THE SCHOOL YEAR, THE ADMINISTRATION SHALL**  
14 **SUSPEND THE DRIVING PRIVILEGE OF THE CHILD:**

15 (1) **FOR A FIRST REPORTING, UNTIL THE CHILD TURNS 18 YEARS**  
16 **OLD; AND**

17 (2) **FOR A SECOND OR SUBSEQUENT REPORTING, UNTIL THE**  
18 **CHILD TURNS 21 YEARS OLD.**

19 (B) **IN ADDITION TO THE DISPOSITIONS UNDER SUBSECTION (A) OF**  
20 **THIS SECTION, THE ADMINISTRATION SHALL IMPOSE A FINE OF:**

21 (1) **FOR A FIRST REPORTING, \$500; AND**

22 (2) **FOR A SECOND OR SUBSEQUENT REPORTING, \$750.**

23 (C) **SUBJECT TO THE PROVISIONS OF TITLE 12, SUBTITLE 2 OF THIS**  
24 **ARTICLE, A LICENSEE MAY REQUEST A HEARING ON A SUSPENSION UNDER THIS**  
25 **SECTION.**

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2007.