

HOUSE BILL 75

E3

(8lr0404)

ENROLLED BILL

—Judiciary/Judicial Proceedings—

Introduced by **Delegates Shewell, Dumais, Rosenberg, Ali, Anderson, Aumann, Barnes, Bartlett, Bates, Beidle, Beitzel, Benson, Boteler, Burns, G. Clagett, V. Clagett, DeBoy, Eckardt, Elliott, Elmore, Frank, Frush, George, Glenn, Haddaway, Healey, Heller, Holmes, Impallaria, James, Jennings, Kach, Kelly, King, Kipke, Krebs, Lafferty, McComas, McConkey, McDonough, McIntosh, McKee, Miller, Minnick, Murphy, Myers, O'Donnell, Schuh, Shank, Sophocleus, Sossi, Stifler, Stocksdale, Stull, Valderrama, Waldstreicher, Walkup, Weir, and Weldon**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Juveniles - Arrests for Reportable Offenses - Expansion of Notification**

3 FOR the purpose of expanding certain provisions relating to the required notification
4 to a local public school superintendent of the arrest of a public school student for
5 a certain reportable offense to apply to the notification to a certain nonpublic
6 school official of the arrest of a certain nonpublic school student for a certain
7 reportable offense; providing for the confidentiality of information obtained by
8 the nonpublic school official; making certain conforming changes; defining a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



1 certain term; making a certain stylistic change; and generally relating to arrests
2 of juveniles for reportable offenses.

3 BY repealing and reenacting, with amendments,
4 Article – Education
5 Section 7–303
6 Annotated Code of Maryland
7 (2006 Replacement Volume and 2007 Supplement)

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

10 **Article – Education**

11 7–303.

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

13 (2) “Criminal gang” has the meaning stated in § 9–801 of the Criminal
14 Law Article.

15 (3) “Law enforcement agency” means the law enforcement agencies
16 listed in § 3–101(e) of the Public Safety Article.

17 (4) “Local school system” means the schools and school programs
18 under the supervision of the local superintendent.

19 (5) ~~(H)~~ “Local superintendent” means ~~the~~:

20 (I) **THE** county superintendent, for the county in which a
21 [child] **STUDENT** is enrolled, or a designee of the superintendent, who is an
22 administrator; **OR**

23 ~~(H)~~ ~~**“LOCAL SUPERINTENDENT” INCLUDES THE**~~

24 (II) **THE** SUPERINTENDENT OF SCHOOLS FOR THE:

25 1. **ARCHDIOCESE OF BALTIMORE;**

26 2. **ARCHDIOCESE OF WASHINGTON; AND**

27 3. **CATHOLIC DIOCESE OF WILMINGTON.**

28 (6) **“NONPUBLIC SCHOOL PRINCIPAL” MEANS THE PRINCIPAL OF**
29 **THE NONPUBLIC SCHOOL IN WHICH A STUDENT IS ENROLLED, OR A DESIGNEE**
30 **OF THE PRINCIPAL, WHO IS AN ADMINISTRATOR.**

- 1 [(6)] (7) “Reportable offense” means:
- 2 (i) A crime of violence, as defined in § 14–101 of the Criminal
3 Law Article;
- 4 (ii) Any of the offenses enumerated in § 3–8A–03(d)(4) of the
5 Courts Article;
- 6 (iii) A violation of § 4–101, § 4–102, § 4–203, or § 4–204 of the
7 Criminal Law Article;
- 8 (iv) A violation of §§ 5–602 through 5–609, §§ 5–612 through
9 5–614, § 5–617, § 5–618, § 5–627, or § 5–628 of the Criminal Law Article;
- 10 (v) A violation of § 4–503, § 9–504, or § 9–505 of the Criminal
11 Law Article;
- 12 (vi) A violation of § 6–102, § 6–103, § 6–104, or § 6–105 of the
13 Criminal Law Article; or
- 14 (vii) A violation of § 9–802 or § 9–803 of the Criminal Law
15 Article.

16 [(7)] (8) “Student” means an individual enrolled in a public school
17 system **OR NONPUBLIC SCHOOL** in the State who is 5 years of age or older and under
18 22 years of age.

19 (b) If a student is arrested for a reportable offense or an offense that is
20 related to the student’s membership in a criminal gang, the law enforcement agency
21 making the arrest shall notify **EITHER** the local superintendent **OR THE NONPUBLIC**
22 **SCHOOL PRINCIPAL** of the arrest and the charges within 24 hours of the arrest or as
23 soon as practicable.

24 (c) The State’s Attorney shall promptly notify **EITHER** the local
25 superintendent **OR THE NONPUBLIC SCHOOL PRINCIPAL** of the disposition of the
26 reportable offense required to be reported under subsection (b) of this section.

27 (d) Except by order of a juvenile court or other court upon good cause shown,
28 the information obtained by a local superintendent **OR NONPUBLIC SCHOOL**
29 **PRINCIPAL** pursuant to subsections (b) and (c) of this section:

30 (1) Is confidential and may not be redisclosed by subpoena or
31 otherwise except as provided pursuant to subsections (e) and (f) of this section; and

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

3 (e) (1) Notwithstanding the provisions of subsection (d) of this section,
4 nothing shall prohibit a local superintendent **OR NONPUBLIC SCHOOL PRINCIPAL**
5 from transmitting the information obtained pursuant to subsections (b) and (c) of this
6 section as a confidential file to the local superintendent of another public school
7 system in the State **OR ANOTHER NONPUBLIC SCHOOL IN THE STATE** in which the
8 student has enrolled or been transferred in order to carry out the purposes of this
9 section if the disposition of the reportable offense was a conviction or an adjudication
10 of delinquency or the criminal charge or delinquency petition is still pending.

11 (2) A local superintendent **OR NONPUBLIC SCHOOL PRINCIPAL** who
12 transmits information about a student under this subsection shall include in the
13 transmittal information regarding any educational programming and related services
14 provided to the student.

15 (f) The State Board shall adopt regulations to ensure that information
16 obtained by a local superintendent **OR NONPUBLIC SCHOOL PRINCIPAL** under
17 subsections (b), (c), and (e) of this section is:

18 (1) Used to provide appropriate educational programming and related
19 services to the student and to maintain a safe and secure school environment for
20 students and school personnel; and

21 (2) Transmitted only to the school principal of the school in which the
22 student is enrolled and other school personnel necessary to carry out the purposes set
23 forth in item (1) of this subsection.

24 (g) Nothing in this section is intended to limit the manner in which a local
25 school obtains information or uses information obtained by any lawful means other
26 than that set forth in subsections (b), (c), and (e) of this section.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.