

# HOUSE BILL 75

E3

8lr0404

HB 1050/07 – JUD

(PRE-FILED)

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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**

Requested: April 12, 2007

Introduced and read first time: January 9, 2008

Assigned to: Judiciary

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## A BILL ENTITLED

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

11 BY repealing and reenacting, with amendments,  
12 Article – Education  
13 Section 7–303  
14 Annotated Code of Maryland  
15 (2006 Replacement Volume and 2007 Supplement)

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

18 **Article – Education**

19 7–303.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

8 (5) (I) “Local superintendent” means the county superintendent,  
9 for the county in which a [child] **STUDENT** is enrolled, or a designee of the  
10 superintendent, who is an administrator.

11 (II) **“LOCAL SUPERINTENDENT” INCLUDES THE**  
12 **SUPERINTENDENT OF SCHOOLS FOR THE:**

13 **1. ARCHDIOCESE OF BALTIMORE;**

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

15 **3. CATHOLIC DIOCESE OF WILMINGTON.**

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

19 [(6)] (7) “Reportable offense” means:

20 (i) A crime of violence, as defined in § 14–101 of the Criminal  
21 Law Article;

22 (ii) Any of the offenses enumerated in § 3–8A–03(d)(4) of the  
23 Courts Article;

24 (iii) A violation of § 4–101, § 4–102, § 4–203, or § 4–204 of the  
25 Criminal Law Article;

26 (iv) A violation of §§ 5–602 through 5–609, §§ 5–612 through  
27 5–614, § 5–617, § 5–618, § 5–627, or § 5–628 of the Criminal Law Article;

28 (v) A violation of § 4–503, § 9–504, or § 9–505 of the Criminal  
29 Law Article;

1 (vi) A violation of § 6–102, § 6–103, § 6–104, or § 6–105 of the  
2 Criminal Law Article; or

3 (vii) A violation of § 9–802 or § 9–803 of the Criminal Law  
4 Article.

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

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

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

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

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

21 (2) May not be made part of the student’s permanent educational  
22 record.

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

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

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

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

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

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

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