

# HOUSE BILL 920

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8lr1751

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By: **Delegates Doory and Vallario**

Introduced and read first time: February 6, 2008

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Education – Student Who Is a Victim of Violent Crime – Option to Require**  
3 **Offender to Change Schools**

4 FOR the purpose of requiring a local superintendent of education to provide certain  
5 notice to a student who is the victim of certain crimes or acts committed by  
6 another student upon a certain conviction or finding; requiring a local  
7 superintendent to transfer a certain student upon a certain determination;  
8 requiring the State Board of Education to adopt certain regulations; requiring  
9 the State Board of Education to certify to the United States Secretary of  
10 Education that the State is in compliance with certain federal laws; defining  
11 certain terms; and generally relating to transfer policies concerning students  
12 who are victims of violent crimes or certain delinquent acts.

13 BY adding to

14 Article – Education

15 Section 7–303.1

16 Annotated Code of Maryland

17 (2006 Replacement Volume and 2007 Supplement)

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

20 **Article – Education**

21 **7–303.1.**

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

24 (2) **“OFFENDER” MEANS A STUDENT WHO HAS BEEN:**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (I) CONVICTED OF A VIOLENT CRIME; OR

2 (II) FOUND TO HAVE COMMITTED A DELINQUENT ACT THAT  
3 WOULD BE A VIOLENT CRIME IF COMMITTED BY AN ADULT.

4 (3) "VICTIM" MEANS A STUDENT WHO SUFFERS ACTUAL OR  
5 THREATENED PHYSICAL HARM AS A RESULT OF A VIOLENT CRIME OR A  
6 DELINQUENT ACT THAT WOULD BE A VIOLENT CRIME IF COMMITTED BY AN  
7 ADULT.

8 (4) "VICTIM'S REPRESENTATIVE" HAS THE MEANING STATED IN §  
9 11-104 OF THE CRIMINAL PROCEDURE ARTICLE.

10 (5) "VIOLENT CRIME":

11 (I) HAS THE MEANING STATED IN § 14-101 OF THE  
12 CRIMINAL LAW ARTICLE; AND

13 (II) INCLUDES A DELINQUENT ACT THAT WOULD BE A  
14 VIOLENT CRIME IF COMMITTED BY AN ADULT.

15 (B) FOR AN OFFENDER WHO HAS COMMITTED A VIOLENT CRIME  
16 AGAINST A VICTIM DURING A REGULAR SCHOOL DAY OR AT A SCHOOL  
17 SPONSORED EVENT, WHILE IN TRANSIT TO OR FROM A SCHOOL OR A SCHOOL  
18 SPONSORED EVENT, OR ON SCHOOL GROUNDS, A LOCAL SUPERINTENDENT  
19 SHALL PROMPTLY:

20 (1) NOTIFY THE VICTIM OR VICTIM'S REPRESENTATIVE OF THE  
21 VICTIM'S RIGHTS UNDER THIS SECTION; AND

22 (2) AS DETERMINED BY THE VICTIM OR THE VICTIM'S  
23 REPRESENTATIVE:

24 (I) TRANSFER THE VICTIM TO ANOTHER SAFE PUBLIC  
25 ELEMENTARY, SECONDARY, OR CHARTER SCHOOL WITHIN THE COUNTY SCHOOL  
26 SYSTEM; OR

27 (II) UNLESS THE OFFENDER IS EXPELLED, TRANSFER THE  
28 OFFENDER TO ANOTHER PUBLIC ELEMENTARY, SECONDARY, OR CHARTER  
29 SCHOOL WITHIN THE COUNTY SCHOOL SYSTEM.

30 (C) THE STATE BOARD SHALL ADOPT REGULATIONS NECESSARY TO  
31 CARRY OUT THE PROVISIONS OF THIS SECTION.

1           SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of  
2 Education shall certify in writing to the United States Secretary of Education that the  
3 State is in compliance with 20 U.S.C. § 7912 with the passage of this Act and COMAR  
4 13A.08.01.20.

5           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 July 1, 2008.