

SENATE BILL 238

E3

8lr1684
CF HB 75

By: **Senators Stone, Astle, DeGrange, Della, Forehand, Haines, Harris, Jacobs, Klausmeier, Madaleno, and Muse**

Introduced and read first time: January 23, 2008

Assigned to: Judicial Proceedings

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 of 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.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) "Law enforcement agency" means the law enforcement agencies
2 listed in § 3-101(e) of the Public Safety Article.

3 (4) "Local school system" means the schools and school programs
4 under the supervision of the local superintendent.

5 (5) (I) "Local superintendent" means the county superintendent,
6 for the county in which a [child] STUDENT is enrolled, or a designee of the
7 superintendent, who is an administrator.

8 (II) "LOCAL SUPERINTENDENT" INCLUDES THE
9 SUPERINTENDENT OF SCHOOLS FOR THE:

- 10 1. ARCHDIOCESE OF BALTIMORE;
- 11 2. ARCHDIOCESE OF WASHINGTON; AND
- 12 3. CATHOLIC DIOCESE OF WILMINGTON.

13 (6) "NONPUBLIC SCHOOL PRINCIPAL" MEANS THE PRINCIPAL OF
14 THE NONPUBLIC SCHOOL IN WHICH A STUDENT IS ENROLLED, OR A DESIGNEE
15 OF THE PRINCIPAL, WHO IS AN ADMINISTRATOR.

16 [(6)] (7) "Reportable offense" means:

- 17 (i) A crime of violence, as defined in § 14-101 of the Criminal
18 Law Article;
- 19 (ii) Any of the offenses enumerated in § 3-8A-03(d)(4) of the
20 Courts Article;
- 21 (iii) A violation of § 4-101, § 4-102, § 4-203, or § 4-204 of the
22 Criminal Law Article;
- 23 (iv) A violation of §§ 5-602 through 5-609, §§ 5-612 through
24 5-614, § 5-617, § 5-618, § 5-627, or § 5-628 of the Criminal Law Article;
- 25 (v) A violation of § 4-503, § 9-504, or § 9-505 of the Criminal
26 Law Article;
- 27 (vi) A violation of § 6-102, § 6-103, § 6-104, or § 6-105 of the
28 Criminal Law Article; or
- 29 (vii) A violation of § 9-802 or § 9-803 of the Criminal Law
30 Article.

1 [(7)] (8) “Student” means an individual enrolled in a public school
2 system **OR NONPUBLIC SCHOOL** in the State who is 5 years of age or older and under
3 22 years of age.

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

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

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

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

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

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

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

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

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

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

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

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