

SENATE BILL 519

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8lr1753
CF 8lr1751

By: **Senators Stone and Miller**

Introduced and read first time: February 1, 2008

Assigned to: Education, Health, and Environmental Affairs

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:**

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.