

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

Senate Bill 238

(Senator Stone, *et al.*)

Judicial Proceedings

Judiciary

Juveniles - Arrests for Reportable Offenses - Expansion of Notification

This bill requires law enforcement agencies to notify nonpublic school superintendents or principals when a student enrolled in one of their schools is arrested for committing specified crimes.

Fiscal Summary

State Effect: The State Board of Education can develop the regulations required by this bill with existing resources.

Local Effect: Local law enforcement agencies and State's Attorneys can carry out the bill's requirements with existing resources.

Small Business Effect: None.

Analysis

Bill Summary: When a student enrolled in a nonpublic school is arrested for committing a violent crime or for any of various gang-, weapons-, or drug-related charges, the law enforcement agency making the arrest must notify either the student's principal or, in the case of a student enrolled in a Catholic school, the superintendent of schools for the appropriate archdiocese, of the student's arrest.

The State's Attorney must notify either the archdiocese superintendent or nonpublic school principal of the disposition of the student's case. Information about the arrest and disposition of the case is considered confidential and may not be disclosed or made part

of the student's permanent school record. However, it may be shared as a confidential file with another public or nonpublic school in the State in which the student enrolls or transfers. If the information is shared with another school, the superintendent or principal must also include information about any educational programming and related services provided to the student.

The State Board of Education must develop regulations to ensure that information obtained by a nonpublic school principal or superintendent is shared only with authorized school personnel and that it is used to provide appropriate educational programming and to maintain a safe and secure school environment.

Current Law: Law enforcement agencies are required to report the arrest of a public school student who commits the offenses specified in the bill to the student's local superintendent. Similarly, State's Attorneys are required to report on the disposition of cases involving public school students to the local superintendent. All information related to the student's case is considered confidential and may not become part of the student's permanent school record. However, it may be shared as a confidential file with another public school system in the State in which the student enrolls or transfers.

Background: During the 2006-2007 school year, there were 184,883 students in 1,258 Maryland nonpublic schools, of whom 61,226 were in grades 7-12. Three Catholic archdioceses operated nonpublic schools in Maryland with a total enrollment of 60,834 students in 167 schools, broken down as follows:

- the Archdiocese of Baltimore had 34,974 students in 85 schools;
- the Archdiocese of Washington had 23,924 students in 75 schools (Maryland only); and
- the Diocese of Wilmington had 1,936 students in 7 schools (Maryland only).

During the 2006-2007 school year, 851,640 students were enrolled in Maryland public schools, of whom 404,365 were in grades 7-12.

According to the 2006 Maryland Uniform Crime Report (UCR), the most recent data available, there were 48,628 arrests of individuals age 18 and younger for offenses covered by this bill. The UCR does not specify whether the arrested individuals were students at the time of their arrests.

Additional Information

Prior Introductions: Identical cross filed bills, SB 495/HB 1050, were introduced in 2007. HB 1050 was heard by the House Judiciary Committee and then withdrawn. SB 495 passed the Senate and received an unfavorable report by the House Judiciary Committee. HB 88 of 2007, a similar bill, received an unfavorable report by the House Ways and Means Committee.

Cross File: HB 75 (Delegate Shewell, *et al.*) – Judiciary.

Information Source(s): Maryland State Department of Education, Department of Legislative Services

Fiscal Note History: First Reader - February 14, 2008
mll/mwc

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