

HOUSE BILL 20

F1

4lr0432

(PRE-FILED)

By: **Delegate Cluster**

Requested: August 22, 2013

Introduced and read first time: January 8, 2014

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Primary and Secondary Education – Security – School Resource Officers**

3 FOR the purpose of authorizing certain authorized persons of certain public schools in
4 the State to deny access to certain school areas to certain persons; authorizing
5 certain authorized persons to demand certain identification from any person
6 who wants to use or enter certain school areas; authorizing the county board of
7 certain public schools to enter into an agreement with an appropriate law
8 enforcement agency to carry out certain activities under certain circumstances;
9 providing penalties for a certain violation; requiring that a certain number of
10 school resource officers be assigned to certain public schools in the State;
11 requiring certain public schools to hire retired law enforcement officers to serve
12 as school resource officers for the school; requiring certain school resource
13 officers to obtain a special police officer commission issued by the Department of
14 State Police; requiring the county superintendent to submit an application to
15 the Secretary of State Police for a special police commission for each school
16 resource officer hired; establishing that a school resource officer hired under
17 this Act is a contractual employee of the State, is entitled to State workers'
18 compensation benefits and is to receive at least a certain salary; requiring the
19 State to reimburse certain local education agencies for certain expenditures
20 relating to this Act; providing that funds used to reimburse local education
21 agencies shall be paid from the Education Trust Fund from funds allocated from
22 a certain source; making certain stylistic changes; defining certain terms;
23 repealing certain duplicative provisions; and generally relating to school
24 resource officers.

25 BY repealing and reenacting, without amendments,
26 Article – Education
27 Section 1–101(a), (c), (d), (e), (f), and (k)
28 Annotated Code of Maryland
29 (2008 Replacement Volume and 2013 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Education
3 Section 7–436
4 Annotated Code of Maryland
5 (2008 Replacement Volume and 2013 Supplement)

6 BY adding to
7 Article – Education
8 Section 7–1601 through 7–1605 to be under the new subtitle “Subtitle 16. School
9 Resource Officers”
10 Annotated Code of Maryland
11 (2008 Replacement Volume and 2013 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Education
14 Section 26–102
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2013 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – State Government
19 Section 9–1A–30
20 Annotated Code of Maryland
21 (2009 Replacement Volume and 2013 Supplement)

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

24 **Article – Education**

25 1–101.

26 (a) In this article, unless the context requires otherwise, the following words
27 have the meanings indicated.

28 (c) “County” means a county of this State and includes Baltimore City.

29 (d) “County board” means the board of education of a county and includes the
30 Baltimore City Board of School Commissioners.

31 (e) “County superintendent” means the county superintendent of schools of a
32 county and includes the Chief Executive Officer of the Baltimore City Board of School
33 Commissioners.

34 (f) “Department” means the State Department of Education.

1 (k) "Public schools" means the schools in the public elementary and
2 secondary education system of this State.

3 **7-436.**

4 (A) IN THIS SECTION, "SCHOOL RESOURCE OFFICER" MEANS:

5 (1) A LAW ENFORCEMENT OFFICER AS DEFINED UNDER §
6 3-101(E) OF THE PUBLIC SAFETY ARTICLE WHO HAS BEEN ASSIGNED TO A
7 SCHOOL IN ACCORDANCE WITH A MEMORANDUM OF UNDERSTANDING BETWEEN
8 THE CHIEF OF A LAW ENFORCEMENT AGENCY AS DEFINED UNDER § 3-101(B) OF
9 THE PUBLIC SAFETY ARTICLE AND THE LOCAL EDUCATION AGENCY; OR

10 (2) A SPECIAL POLICE OFFICER AS DEFINED UNDER § 3-301(D)
11 OF THE PUBLIC SAFETY ARTICLE WHO HAS BEEN HIRED BY A COUNTY
12 SUPERINTENDENT IN ACCORDANCE WITH § 7-1603(B) OF THIS ARTICLE.

13 (B) THE COUNTY BOARD, COUNTY SUPERINTENDENT, PRINCIPAL, OR
14 SCHOOL RESOURCE OFFICER OF ANY PUBLIC SCHOOL, OR A PERSON
15 DESIGNATED IN WRITING BY THE BOARD OR ANY OF THESE PERSONS, MAY DENY
16 ACCESS TO THE BUILDINGS OR GROUNDS OF THE SCHOOL TO ANY OTHER
17 PERSON WHO:

18 (1) IS NOT A BONA FIDE, CURRENTLY REGISTERED STUDENT, OR
19 STAFF OR FACULTY MEMBER AT THE SCHOOL, AND WHO DOES NOT HAVE
20 LAWFUL BUSINESS TO PURSUE AT THE SCHOOL;

21 (2) IS A BONA FIDE, CURRENTLY REGISTERED STUDENT AT THE
22 SCHOOL AND HAS BEEN SUSPENDED OR EXPELLED FROM THE SCHOOL, FOR THE
23 DURATION OF THE SUSPENSION OR EXPULSION; OR

24 (3) ACTS IN A MANNER THAT DISRUPTS OR DISTURBS THE
25 NORMAL EDUCATIONAL FUNCTIONS OF THE SCHOOL.

26 (C) ADMINISTRATIVE PERSONNEL, AUTHORIZED EMPLOYEES OF ANY
27 PUBLIC SCHOOL, AND PERSONS DESIGNATED IN SUBSECTION (B) OF THIS
28 SECTION MAY DEMAND IDENTIFICATION AND EVIDENCE OF QUALIFICATION
29 FROM ANY PERSON WHO DESIRES TO USE OR ENTER THE PREMISES OF THE
30 SCHOOL.

31 (D) THE COUNTY BOARD OF ANY PUBLIC SCHOOL MAY ENTER INTO AN
32 AGREEMENT WITH APPROPRIATE LAW ENFORCEMENT AGENCIES TO CARRY OUT
33 THE RESPONSIBILITIES OF THIS SECTION WHEN:

1 **(1) THE SCHOOL IS CLOSED; OR**

2 **(2) NONE OF THE PERSONS DESIGNATED IN SUBSECTION (B) OF**
3 **THIS SECTION ARE PRESENT IN THE BUILDINGS OR ON THE GROUNDS OF THE**
4 **SCHOOL.**

5 **(E) A PERSON IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS**
6 **SUBJECT TO A FINE NOT EXCEEDING \$1,000, IMPRISONMENT NOT EXCEEDING 6**
7 **MONTHS, OR BOTH IF THE PERSON:**

8 **(1) TRESPASSES ON THE GROUNDS OF ANY PUBLIC SCHOOL;**

9 **(2) FAILS OR REFUSES TO LEAVE THE GROUNDS OF ANY PUBLIC**
10 **SCHOOL AFTER BEING REQUESTED TO DO SO BY A PERSON DESIGNATED IN**
11 **SUBSECTION (B) OF THIS SECTION AS BEING AUTHORIZED TO DENY ACCESS TO**
12 **THE BUILDINGS OR GROUNDS OF THE SCHOOL; OR**

13 **(3) WILLFULLY DAMAGES OR DEFACTS ANY BUILDING,**
14 **FURNISHING, STATUE, MONUMENT, MEMORIAL, TREE, SHRUB, GRASS, OR**
15 **FLOWER ON THE GROUNDS OF ANY PUBLIC SCHOOL.**

16 **SUBTITLE 16. SCHOOL RESOURCE OFFICERS.**

17 **7-1601.**

18 **IN THIS SUBTITLE, "SCHOOL RESOURCE OFFICER" MEANS:**

19 **(1) A LAW ENFORCEMENT OFFICER AS DEFINED UNDER §**
20 **3-101(E) OF THE PUBLIC SAFETY ARTICLE WHO HAS BEEN ASSIGNED TO A**
21 **SCHOOL IN ACCORDANCE WITH A MEMORANDUM OF UNDERSTANDING BETWEEN**
22 **THE CHIEF OF A LAW ENFORCEMENT AGENCY AS DEFINED UNDER § 3-101(B) OF**
23 **THE PUBLIC SAFETY ARTICLE AND THE LOCAL EDUCATION AGENCY; OR**

24 **(2) A SPECIAL POLICE OFFICER AS DEFINED UNDER § 3-301(D)**
25 **OF THE PUBLIC SAFETY ARTICLE WHO HAS BEEN HIRED BY A COUNTY**
26 **SUPERINTENDENT IN ACCORDANCE WITH § 7-1603(B) OF THIS ARTICLE.**

27 **7-1602.**

28 **THIS SUBTITLE DOES NOT APPLY TO A PUBLIC SCHOOL THAT HAD AT**
29 **LEAST ONE SCHOOL RESOURCE OFFICER ASSIGNED TO THE SCHOOL DURING**
30 **THE 2013-2014 SCHOOL YEAR.**

1 **7-1603.**

2 (A) AT LEAST ONE SCHOOL RESOURCE OFFICER SHALL BE ASSIGNED TO
3 EACH PUBLIC SCHOOL IN THE STATE.

4 (B) IF A PUBLIC SCHOOL IN THE STATE DOES NOT HAVE AT LEAST ONE
5 SCHOOL RESOURCE OFFICER ASSIGNED TO THE SCHOOL AS OF AUGUST 1, 2014,
6 THE COUNTY SUPERINTENDENT OF THE SCHOOL SHALL HIRE A RETIRED LAW
7 ENFORCEMENT OFFICER TO SERVE AS A SCHOOL RESOURCE OFFICER FOR THE
8 SCHOOL.

9 **7-1604.**

10 (A) (1) EACH SCHOOL RESOURCE OFFICER HIRED IN ACCORDANCE
11 WITH § 7-1603(B) OF THIS SUBTITLE SHALL OBTAIN A SPECIAL POLICE
12 COMMISSION AS DEFINED IN §§ 3-301(C) AND 3-307 OF THE PUBLIC SAFETY
13 ARTICLE.

14 (2) THE COUNTY SUPERINTENDENT SHALL SUBMIT AN
15 APPLICATION TO THE SECRETARY OF STATE POLICE FOR A SPECIAL POLICE
16 COMMISSION IN ACCORDANCE WITH § 3-304 OF THE PUBLIC SAFETY ARTICLE
17 FOR EACH SCHOOL RESOURCE OFFICER THE COUNTY SUPERINTENDENT HIRES.

18 (B) A SCHOOL RESOURCE OFFICER HIRED IN ACCORDANCE WITH
19 SUBSECTION (A) OF THIS SECTION SHALL:

20 (1) BE A CONTRACTUAL EMPLOYEE OF THE STATE;

21 (2) BE ENTITLED TO STATE WORKERS' COMPENSATION
22 BENEFITS; AND

23 (3) RECEIVE A SALARY OF NO LESS THAN \$25 PER HOUR.

24 (C) (1) A LOCAL EDUCATION AGENCY IS ENTITLED TO
25 REIMBURSEMENT FROM THE STATE FOR ALL EXPENDITURES NECESSARY TO
26 MEET THE REQUIREMENTS OF THIS SUBTITLE.

27 (2) ANY FUNDS USED TO REIMBURSE A LOCAL EDUCATION
28 AGENCY SHALL BE PAID FROM THE EDUCATION TRUST FUND FROM THE FUNDS
29 ALLOCATED UNDER § 9-1A-27 OF THE STATE GOVERNMENT ARTICLE.

30 **7-1605.**

1 **THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY TO CARRY**
2 **OUT THE PROVISIONS OF THIS SUBTITLE.**

3 26–102.

4 [(a) In this section, “school resource officer” means a law enforcement officer
5 as defined under § 3–101(e) of the Public Safety Article who has been assigned to a
6 school in accordance with a memorandum of understanding between the chief of a law
7 enforcement agency as defined under § 3–101(b) of the Public Safety Article and the
8 local education agency.

9 (b) **(A)** The governing board[, **OR THE** president[, superintendent,
10 principal, or school resource officer] of any public institution of [elementary,
11 secondary, or] higher education, or a person designated in writing by the board or [any
12 of these persons] **THE PRESIDENT**, may deny access to the buildings or grounds of the
13 institution to any other person who:

14 (1) Is not a bona fide, currently registered student, or staff or faculty
15 member at the institution, and who does not have lawful business to pursue at the
16 institution;

17 (2) Is a bona fide, currently registered student at the institution and
18 has been suspended or expelled from the institution, for the duration of the suspension
19 or expulsion; or

20 (3) Acts in a manner that disrupts or disturbs the normal educational
21 functions of the institution.

22 [(c) **(B)** Administrative personnel, authorized employees of any public
23 institution of [elementary, secondary, or] higher education, and persons designated in
24 subsection [(b) **(A)**] of this section may demand identification and evidence of
25 qualification from any person who desires to use or enter the premises of the
26 institution.

27 [(d) **(C)** The governing board of any public institution of [elementary,
28 secondary, or] higher education may enter into an agreement with appropriate law
29 enforcement agencies to carry out the responsibilities of this section when:

30 (1) The institution is closed; or

31 (2) None of the persons designated in subsection [(b) **(A)**] of this
32 section are present in the buildings or on the grounds of the institution.

33 [(e) **(D)** A person is guilty of a misdemeanor and on conviction is subject to
34 a fine not exceeding \$1,000, imprisonment not exceeding 6 months, or both if [he] **THE**
35 **PERSON**:

1 **EDUCATION, AS SPECIFIED IN TITLE 7, SUBTITLE 16 OF THE EDUCATION**
2 **ARTICLE.**

3 (d) Expenditures from the Education Trust Fund shall be made each fiscal
4 year in accordance with the State budget.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 July 1, 2014.