

HOUSE BILL 222

F1, E3

4lr0608

By: **Delegates Dumais, Beidle, and Clippinger**

Introduced and read first time: January 17, 2014

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: February 11, 2014

CHAPTER _____

1 AN ACT concerning

2 **Education – Reportable Offenses – First Degree Burglary and Animal Cruelty**

3 FOR the purpose of adding first degree burglary and animal cruelty to a list of offenses
4 for which a law enforcement agency that arrests a student for the offense is
5 required to report the arrest to certain school officials under certain
6 circumstances; and generally relating to reporting arrests of a student for first
7 degree burglary or animal cruelty.

8 BY repealing and reenacting, without amendments,
9 Article – Criminal Law
10 Section 6–202 and 10–606
11 Annotated Code of Maryland
12 (2012 Replacement Volume and 2013 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Education
15 Section 7–303
16 Annotated Code of Maryland
17 (2008 Replacement Volume and 2013 Supplement)

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

20 **Article – Criminal Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 6–202.

2 (a) A person may not break and enter the dwelling of another with the intent
3 to commit theft or a crime of violence.

4 (b) A person who violates this section is guilty of the felony of burglary in the
5 first degree and on conviction is subject to imprisonment not exceeding 20 years.

6 10–606.

7 (a) A person may not:

8 (1) intentionally mutilate, torture, cruelly beat, or cruelly kill an
9 animal;

10 (2) cause, procure, or authorize an act prohibited under item (1) of this
11 subsection; or

12 (3) except in the case of self–defense, intentionally inflict bodily harm,
13 permanent disability, or death on an animal owned or used by a law enforcement unit.

14 (b) (1) A person who violates this section is guilty of the felony of
15 aggravated cruelty to animals and on conviction is subject to imprisonment not
16 exceeding 3 years or a fine not exceeding \$5,000 or both.

17 (2) As a condition of sentencing, the court may order a defendant
18 convicted of violating this section to participate in and pay for psychological
19 counseling.

20 (3) As a condition of probation, the court may prohibit a defendant
21 from owning, possessing, or residing with an animal.

22 **Article – Education**

23 7–303.

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

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

27 (3) “Law enforcement agency” means the law enforcement agencies
28 listed in § 3–101(e) of the Public Safety Article.

29 (4) “Local school system” means the schools and school programs
30 under the supervision of the local superintendent.

1 (5) “Local superintendent” means:

2 (i) The county superintendent, for the county in which a
3 student is enrolled, or a designee of the superintendent, who is an administrator; or

4 (ii) The superintendent of schools for the:

5 1. Archdiocese of Baltimore;

6 2. Archdiocese of Washington; and

7 3. Catholic Diocese of Wilmington.

8 (6) “Reportable offense” means:

9 (i) A crime of violence, as defined in § 14–101 of the Criminal
10 Law Article;

11 (ii) Any of the offenses enumerated in § 3–8A–03(d)(4) of the
12 Courts Article;

13 (iii) A violation of § 4–101, § 4–102, § 4–203, or § 4–204 of the
14 Criminal Law Article;

15 (iv) A violation of §§ 5–602 through 5–609, §§ 5–612 through
16 5–614, § 5–617, § 5–618, § 5–627, or § 5–628 of the Criminal Law Article;

17 (v) A violation of § 4–503, § 9–504, or § 9–505 of the Criminal
18 Law Article;

19 (vi) A violation of § 6–102, § 6–103, § 6–104, or § 6–105 of the
20 Criminal Law Article;

21 (vii) A violation of § 9–802 or § 9–803 of the Criminal Law
22 Article;

23 (viii) A violation of § 3–203 of the Criminal Law Article;

24 (ix) A violation of § 6–301 of the Criminal Law Article;

25 (x) A violation of § 9–302, § 9–303, or § 9–305 of the Criminal
26 Law Article; [or]

27 (xi) A violation of § 7–105 of the Criminal Law Article;

28 **(XII) A VIOLATION OF § 6–202 OF THE CRIMINAL LAW**
29 **ARTICLE; OR**

1 (XIII) A VIOLATION OF § 10-606 OF THE CRIMINAL LAW
2 ARTICLE.

3 (7) "School principal" means the principal of the public or nonpublic
4 school in which a student is enrolled, or a designee of the principal, who is an
5 administrator.

6 (8) (i) "School security officer" includes a school principal, another
7 school administrator, a law enforcement officer, or other individual employed by a
8 local school system or a local government who is designated by the county
9 superintendent or a school principal to help maintain the security and safety of a
10 school.

11 (ii) "School security officer" does not include a teacher.

12 (9) "Student" means an individual enrolled in a public school system
13 or nonpublic school in the State who is 5 years of age or older and under 22 years of
14 age.

15 (b) If a student is arrested for a reportable offense or an offense that is
16 related to the student's membership in a criminal gang, the law enforcement agency
17 making the arrest:

18 (1) Shall notify the following individuals of the arrest and the charges
19 within 24 hours of the arrest or as soon as practicable:

20 (i) The local superintendent;

21 (ii) The school principal; and

22 (iii) For a school that has a school security officer, the school
23 security officer; and

24 (2) May notify the State's Attorney of the arrest and charges.

25 (c) The State's Attorney shall promptly notify either the local superintendent
26 or the school principal of the disposition of the reportable offense required to be
27 reported under subsection (b) of this section.

28 (d) Except by order of a juvenile court or other court upon good cause shown,
29 the information obtained by an individual pursuant to subsections (b) and (c) of this
30 section:

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

1 (2) May not be made part of the student's permanent educational
2 record.

3 (e) (1) Notwithstanding the provisions of subsection (d) of this section,
4 nothing shall prohibit a local superintendent or school principal from transmitting the
5 information obtained pursuant to subsections (b) and (c) of this section as a
6 confidential file to the local superintendent of another public school system in the
7 State or another nonpublic school in the State in which the student has enrolled or
8 been transferred in order to carry out the purposes of this section if the disposition of
9 the reportable offense was a conviction or an adjudication of delinquency or the
10 criminal charge or delinquency petition is still pending.

11 (2) A local superintendent or school principal who transmits
12 information about a student under this subsection shall include in the transmittal
13 information regarding any educational programming and related services provided to
14 the student.

15 (f) The State Board shall adopt regulations to ensure that information
16 obtained by a local superintendent, a school principal, or a school security officer
17 under subsections (b), (c), and (e) of this section is:

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

21 (2) Transmitted only to school personnel of the school in which the
22 student is enrolled as necessary to carry out the purposes set forth in item (1) of this
23 subsection; and

24 (3) Destroyed when the student graduates or otherwise permanently
25 leaves school or turns 22 years old, whichever occurs first.

26 (g) (1) Except as otherwise provided in paragraph (2) of this subsection,
27 the local superintendent and the school principal shall consider prohibiting a student
28 who is arrested for a reportable offense involving rape or a sexual offense from
29 attending the same school or riding on the same school bus as the alleged victim of the
30 reportable offense if such action is necessary or appropriate to protect the physical or
31 psychological well-being of the alleged victim.

32 (2) If a student is arrested for a reportable offense involving rape or a
33 sexual offense and is convicted of or adjudicated delinquent for the rape or sexual
34 offense, the student may not attend the same school or ride on the same school bus as
35 the victim.

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

1 (i) Each public school that enrolls students in grades six through twelve in
2 the State shall designate at least one school security officer.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2014.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.