

# HOUSE BILL 148

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CF SB 165

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By: **The Speaker (By Request – Administration) and Delegates Adams, Anderton, Arentz, Arikan, Bartlett, Beitzel, Buckel, Chisholm, Ciliberti, Clark, Corderman, M. Fisher, Grammer, Hartman, Hornberger, Jacobs, Kipke, Krebs, Malone, Mangione, Mautz, McComas, McKay, Metzgar, Morgan, Otto, Parrott, Pippy, Reilly, Rose, Saab, Shoemaker, and Szeliga**

Introduced and read first time: January 23, 2019

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Safe Schools Maryland Act of 2019**

3 FOR the purpose of establishing the Safe Schools Maryland Program in the Maryland  
4 Center for School Safety; providing for the purpose of the program; requiring the  
5 School Safety Subcabinet to develop certain program guidance on or before a certain  
6 date; authorizing local school systems to elect to participate in the program;  
7 requiring a local school system that elects to participate in the program to follow  
8 certain program guidance; requiring the Center to perform certain tasks related to  
9 the program; providing that certain documents and information are confidential and  
10 may be released only under certain circumstances; providing that certain documents  
11 and information are not subject to the Maryland Public Information Act; providing  
12 that certain entities may not compel disclosure of certain documents and  
13 information; authorizing a court to compel disclosure of certain documents and  
14 information if certain evidentiary requirements are met; prohibiting a person from  
15 willfully disclosing a document or information in violation of this Act; establishing  
16 certain penalties for a certain violation of this Act; prohibiting a person from being  
17 subject to criminal prosecution or civil liability for good faith actions relating to  
18 report or receipt of documents or information under the program; requiring the  
19 Subcabinet, beginning in a certain year, to submit a certain report to the Governor  
20 and the General Assembly on or before a certain date each year; defining a certain  
21 term; and generally relating to the Safe Schools Maryland Program.

22 BY adding to  
23 Article – Education  
24 Section 7–1513  
25 Annotated Code of Maryland  
26 (2018 Replacement Volume and 2018 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Education**

4 **7–1513.**

5 (A) IN THIS SECTION, “PROGRAM” MEANS THE SAFE SCHOOLS MARYLAND  
6 PROGRAM.

7 (B) THERE IS A SAFE SCHOOLS MARYLAND PROGRAM IN THE CENTER.

8 (C) (1) THE PURPOSE OF THE PROGRAM IS TO ESTABLISH PROCEDURES  
9 FOR ANONYMOUS REPORTING OF BEHAVIORS OF CONCERN AND OTHER  
10 DANGEROUS, VIOLENT, OR UNLAWFUL ACTIVITIES, OR THE THREAT OF THESE  
11 ACTIVITIES, INVOLVING ONE OR MORE STUDENTS.

12 (2) LOCAL SCHOOL SYSTEMS MAY ELECT TO PARTICIPATE IN THE  
13 PROGRAM.

14 (D) (1) ON OR BEFORE SEPTEMBER 1, 2019, THE SUBCABINET SHALL  
15 DEVELOP PROGRAM GUIDANCE FOR IMPLEMENTATION OF THE PROGRAM IN LOCAL  
16 SCHOOL SYSTEMS.

17 (2) A LOCAL SCHOOL SYSTEM THAT ELECTS TO PARTICIPATE IN THE  
18 PROGRAM SHALL FOLLOW PROGRAM GUIDANCE DEVELOPED BY THE SUBCABINET.

19 (E) THE CENTER SHALL:

20 (1) TRAIN PERSONNEL IN LOCAL SCHOOL SYSTEMS AND INDIVIDUAL  
21 SCHOOLS, LAW ENFORCEMENT, PUBLIC SAFETY ANSWERING POINT PERSONNEL,  
22 AND OTHER ENTITIES, AS DETERMINED BY THE CENTER, ON THE PROGRAM AND  
23 APPROPRIATE RESPONSES TO INFORMATION PROVIDED TO THE PROGRAM;

24 (2) PROVIDE PROGRAM AWARENESS AND EDUCATIONAL MATERIALS  
25 FOR LOCAL SCHOOL SYSTEMS TO DISTRIBUTE TO STUDENT GROUPS AND PARENT OR  
26 COMMUNITY ORGANIZATIONS;

27 (3) DEVELOP TRAINING CURRICULUM AND TEACHING MATERIALS  
28 FOR A TRAIN–THE–TRAINER PROGRAM; AND

29 (4) CONDUCT TRAINING IN ALL GEOGRAPHIC REGIONS OF THE  
30 STATE.

1 (F) (1) A DOCUMENT SENT TO OR INFORMATION REPORTED TO THE  
2 CENTER OR A LOCAL SCHOOL SYSTEM UNDER THE PROGRAM:

3 (I) IS CONFIDENTIAL AND MAY NOT BE RELEASED EXCEPT AS  
4 PROVIDED IN REGULATIONS; AND

5 (II) IS NOT SUBJECT TO DISCLOSURE UNDER THE MARYLAND  
6 PUBLIC INFORMATION ACT.

7 (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
8 PARAGRAPH, ANY JUDICIAL, LEGISLATIVE, OR ADMINISTRATIVE BODY, OR ANY  
9 OTHER ENTITY THAT HAS THE POWER TO ISSUE SUBPOENAS MAY NOT COMPEL ANY  
10 PERSON TO DISCLOSE A DOCUMENT OR INFORMATION REPORTED TO THE PROGRAM.

11 (II) A COURT MAY COMPEL DISCLOSURE OF A DOCUMENT OR  
12 INFORMATION REPORTED TO THE PROGRAM IF THE COURT FINDS THAT THE PARTY  
13 SEEKING DISCLOSURE HAS ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE  
14 THAT:

15 1. THE DOCUMENT OR INFORMATION IS RELEVANT TO A  
16 SIGNIFICANT LEGAL ISSUE BEFORE ANY JUDICIAL, LEGISLATIVE, OR  
17 ADMINISTRATIVE BODY, OR ANY ENTITY THAT HAS THE POWER TO ISSUE  
18 SUBPOENAS;

19 2. THE DOCUMENT OR INFORMATION COULD NOT, WITH  
20 DUE DILIGENCE, BE OBTAINED BY ALTERNATE MEANS; AND

21 3. THERE IS AN OVERRIDING PUBLIC INTEREST IN  
22 DISCLOSURE.

23 (3) A PERSON WHO WILLFULLY DISCLOSES A DOCUMENT OR  
24 INFORMATION TO ANOTHER PERSON IN VIOLATION OF THIS SUBSECTION IS GUILTY  
25 OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO IMPRISONMENT NOT  
26 EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$500 OR BOTH.

27 (G) A PERSON IS NOT SUBJECT TO CRIMINAL PROSECUTION OR CIVIL  
28 LIABILITY FOR GOOD FAITH ACTIONS RELATING TO REPORT OR RECEIPT OF  
29 DOCUMENTS OR INFORMATION UNDER THE PROGRAM.

30 (H) (1) ON OR BEFORE JULY 15 EACH YEAR, BEGINNING IN 2020, THE  
31 SUBCABINET SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH §  
32 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

1           **(2) THE REPORT SHALL INCLUDE:**

2                   **(I) THE NUMBER OF REPORTS SUBMITTED TO THE PROGRAM;**

3                   **(II) A SUMMARY OF THE DATES, TIMES, AND MEANS OF**  
4 **REPORTS;**

5                   **(III) A SUMMARY OF THE NATURE OF REPORTS IN CATEGORIES**  
6 **ESTABLISHED BY THE SUBCABINET; AND**

7                   **(IV) A SUMMARY OF ACTIONS TAKEN BY THE CENTER OR LOCAL**  
8 **SCHOOL SYSTEM ON RECEIPT OF REPORTS.**

9           **(I) THE SUBCABINET MAY ADOPT REGULATIONS FOR THE**  
10 **ADMINISTRATION OF THE PROGRAM.**

11           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
12 1, 2019.