

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 13

(Senator Serafini)

Judicial Proceedings

Judiciary

Juveniles - Reportable Offenses

This bill requires the Department of Juvenile Services (DJS), for students committed to its custody, to notify the local superintendent and the school principal of a school in which the student has enrolled or to which the student has been transferred of the student's reportable offense or offense that is related to the student's membership in a criminal gang and the disposition of the reportable offense. The bill also extends various provisions of current law regarding the permissible treatment of information obtained about a reportable offense to the information shared pursuant to the bill's requirements. It also alters requirements for regulations adopted by the State Board of Education. **The bill takes effect July 1, 2019.**

Fiscal Summary

State Effect: It is anticipated that DJS and the State Board of Education can comply with the bill's requirements using existing budgeted resources. Revenues are not affected.

Local Effect: The bill is not anticipated to materially affect local school systems.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: Statutory provisions set forth requirements relating to the sharing of information regarding juveniles who have been arrested for "reportable offenses." Reportable offenses include specified violent crimes and various gang-, weapons-, drug-, theft-, and intimidation-related charges; malicious destruction of property; second-degree assault; and auto theft.

If a student is arrested for a reportable offense or an offense related to the student's membership in a criminal gang, the law enforcement agency making the arrest must notify, within 24 hours of an arrest or as soon as practicable, the local superintendent and the school principal. A school security officer must also be notified, for a school with such an officer. The State's Attorney must promptly notify either the local superintendent or the school principal of the disposition of such offenses.

Except by order of a juvenile court or other court on good cause shown, such information is confidential and may not be redisclosed by subpoena or otherwise and may not be part of the student's permanent educational record. However, under current law, a local superintendent or school principal is not prohibited from transmitting this information as a confidential file to the local superintendent of another public school system in the State or another nonpublic school in the State in which the student has been enrolled or transferred if the disposition of the reportable offense was a conviction or an adjudication of delinquency or if the criminal charge or delinquency petition is still pending. The bill authorizes information received from DJS pursuant to the bill's new notification requirement to also be transmitted.

The State Board of Education must adopt regulations to ensure that the information obtained is (1) used to provide appropriate educational programming and related services to the student and to maintain a safe and secure school environment and (2) transmitted only to school personnel of the school in which the student is enrolled as necessary to carry out this purpose. The bill requires the regulations to ensure that the appropriate educational programming and related services referenced in item (1) be for the social, emotional, and academic development of the student. Regulations must also ensure that the information is destroyed when the student graduates or otherwise permanently leaves school or reaches age 22, whichever occurs first. The bill extends these provisions to information received from DJS, as required by the bill.

“School principal” includes the principal of a nonpublic school. A “local superintendent” includes the superintendent of schools for the Archdiocese of Baltimore or Washington and the Catholic Diocese of Wilmington.

Background: The Juvenile Services Education System (JSES) within the Maryland State Department of Education provides educational services to youth detained and committed to DJS facilities. In addition to traditional academics, JSES includes other programming, such as guidance and counseling services and career and technology education.

Additional Comment: The bill is not anticipated to materially affect nonpublic schools.

Additional Information

Prior Introductions: SB 1147 of 2018, a similar bill, received an unfavorable report from the Senate Judicial Proceedings Committee. Its cross file, HB 1702, received an unfavorable report from the House Judiciary Committee.

Cross File: HB 867 (Delegate Corderman, *et al.*) - Judiciary.

Information Source(s): Maryland State Department of Education; Department of Juvenile Services; Baltimore City Public Schools; Montgomery County Public Schools; Prince George's County Public Schools; Department of Legislative Services

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