

HOUSE BILL 84

F1, F2, F5
HB 700/21 – W&M

(PRE-FILED)

2lr0739
CF 2lr0740

By: **Delegates Ruth, Amprey, Belcastro, Ebersole, Hill, Ivey, R. Lewis, Moon, Palakovich Carr, Stewart, Terrasa, and Washington**

Requested: October 13, 2021

Introduced and read first time: January 12, 2022

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Crimes on School Grounds – Application**

3 FOR the purpose of specifying that provisions of law prohibiting and penalizing disruptive
4 and threatening behavior on the grounds of, in the classes of, or in the home of an
5 employee of an institution of elementary, secondary, or higher education do not apply
6 to students who commit offenses at the institution they attend, students on
7 exclusionary discipline who commit offenses at the institution they attend, or
8 students who commit offenses at another institution while participating in or
9 attending a sporting event or other extracurricular program sponsored at that
10 institution; and generally relating to the application of provisions of law that prohibit
11 and penalize disruptive and threatening behavior in elementary, secondary, and
12 higher education institutions.

13 BY repealing and reenacting, with amendments,
14 Article – Education
15 Section 26–101
16 Annotated Code of Maryland
17 (2018 Replacement Volume and 2021 Supplement)

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

20 **Article – Education**

21 26–101.

22 (a) **THE PROHIBITIONS AND PENALTIES IN THIS SECTION DO NOT APPLY TO**
23 **A PERSON WHO IS:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(1) A STUDENT CURRENTLY ATTENDING THE INSTITUTION OF**
2 **ELEMENTARY, SECONDARY, OR HIGHER EDUCATION WHERE THE OFFENSE OCCURS;**

3 **(2) A STUDENT CURRENTLY ON EXCLUSIONARY DISCIPLINE FROM**
4 **THE INSTITUTION OF ELEMENTARY, SECONDARY, OR HIGHER EDUCATION WHERE**
5 **THE OFFENSE OCCURS; OR**

6 **(3) A STUDENT CURRENTLY ATTENDING ANOTHER INSTITUTION OF**
7 **ELEMENTARY, SECONDARY, OR HIGHER EDUCATION WHO IS PARTICIPATING IN OR**
8 **ATTENDING A SPORTING EVENT OR OTHER EXTRACURRICULAR PROGRAM**
9 **SPONSORED BY THE INSTITUTION WHERE THE OFFENSE OCCURS.**

10 **(B)** A person may not willfully disturb or otherwise willfully prevent the orderly
11 conduct of the activities, administration, or classes of any institution of elementary,
12 secondary, or higher education.

13 **[(b)] (C)** A person may not molest or threaten with bodily harm any student,
14 employee, administrator, agent, or any other individual who is lawfully:

15 (1) On the grounds or in the immediate vicinity of any institution of
16 elementary, secondary, or higher education;

17 (2) On a school vehicle;

18 (3) At an activity sponsored by a school that is held off school property; or

19 (4) On property that is owned by a county board and is used for
20 administrative or other purposes.

21 **[(c)] (D) (1) [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A**
22 **person may not threaten with bodily harm any employee of any institution of elementary,**
23 **secondary, or higher education at home by any means, including in person, by telephone,**
24 **or by electronic mail.**

25 **(2) [This] THE prohibition IN PARAGRAPH (1) OF THIS SUBSECTION**
26 **applies only to threats arising out of the scope of the employee's employment.**

27 **[(d)] (E)** In addition to the penalties provided in this section or in § 6-409 of the
28 Criminal Law Article, on application by the governing board of any institution of
29 elementary, secondary, or higher education, the circuit court of the county in which the
30 institution is located may issue an injunction restraining any specific activities that violate
31 this section.

32 **[(e)] (F)** Any person who violates any provision of this section is guilty of a
33 misdemeanor and on conviction is subject to a fine not exceeding \$2,500, imprisonment not

1 exceeding 6 months, or both.

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
3 1, 2022.