

HB1265/433226/1

BY: Ways and Means Committee

AMENDMENTS TO HOUSE BILL 1265
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute “**Education – Reportable Offenses and Prohibited Behavior on School Grounds – Alterations**”; in line 3, after the first “of” insert “altering the offenses that constitute “reportable offenses” that a law enforcement agency must report to certain school personnel under certain circumstances;”; in line 5, strike “the Department of Juvenile Services and”; in line 7, after “information;” insert “specifying that provisions of law prohibiting and penalizing certain behavior on school grounds and property do not apply to certain students;”; in the same line, after “offenses” insert “and prohibited behavior on school grounds”; and in line 10, after “7–303” insert “and 26–101”.

AMENDMENT NO. 2

On page 2, in line 16, strike “§ 3–8A–03(e)(4)” and substitute “**§ 3–8A–03(D)(4)**”; in line 20, strike “§ 5–603, § 5–604, § 5–605, § 5–606,”; and in line 21, strike “§ 5–617, § 5–618,”.

On pages 2 and 3, strike beginning with “A” in line 29 on page 2 down through “13.” in line 6 on page 3.

On page 3, in line 6, after “Article” insert “;

- 9. A VIOLATION OF § 3–902 OF THE CRIMINAL LAW**
ARTICLE; OR
- 10. A VIOLATION OF § 3–1001 OF THE CRIMINAL LAW**
ARTICLE”.

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On page 4, in line 5, strike “and (c)” and substitute “, (C), AND (E)”; in line 9, after “(1)” insert “(I)”; in line 11, strike “**FOLLOWING INDIVIDUALS**” and substitute “LOCAL SUPERINTENDENT”; strike beginning with the colon in line 16 down through “**DESIGNEE**” in line 22; in line 23, strike “(2)” and substitute “(II)”; in the same line, strike the first bracket; strike beginning with “or” in line 23 down through “**SUBSECTION**” in line 24; in line 25, strike “subsection” and substitute “PARAGRAPH”; and after line 26, insert:

(2) (I) THIS PARAGRAPH APPLIES TO A STUDENT WHO:

1. IS UNDER THE CUSTODY OF THE DEPARTMENT OF JUVENILE SERVICES;

2. WAS ARRESTED FOR A REPORTABLE OFFENSE OR A CRIME RELATED TO THE STUDENT’S MEMBERSHIP IN A CRIMINAL ORGANIZATION; AND

3. IS TRANSFERRING TO A PUBLIC SCHOOL IN THE STATE.

(II) THE DEPARTMENT OF JUVENILE SERVICES SHALL NOTIFY THROUGH A CONFIDENTIAL FILE THE LOCAL SUPERINTENDENT FOR THE SCHOOL SYSTEM TO WHICH A STUDENT DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS TRANSFERRING, IF THE DISPOSITION OF THE STUDENT’S CASE WAS A CONVICTION OR AN ADJUDICATION OF DELINQUENCY OR THE CRIMINAL CHARGE OR DELINQUENCY PETITION IS STILL PENDING.

(III) THE DEPARTMENT OF JUVENILE SERVICES SHALL INCLUDE IN THE CONFIDENTIAL FILE INFORMATION ON ANY SERVICES AND EDUCATIONAL PROGRAMMING PROVIDED TO THE STUDENT.

(IV) IF A STUDENT IS ENROLLED IN THE JUVENILE SERVICES EDUCATION PROGRAM, THE DEPARTMENT OF JUVENILE SERVICES SHALL CONSULT WITH THE PROGRAM IN CARRYING OUT THIS PARAGRAPH.”.

On page 6, after line 18, insert:

“26-101.

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

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

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

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

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

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

(2) On a school vehicle;

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

or

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

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

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

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

[(e)] (F) Any person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$2,500, imprisonment not exceeding 6 months, or both.

[(f)] (G) (1) On or before December 1, 2022, and each December 1 thereafter, each county board of education, including the Baltimore City Board of School Commissioners, shall report to the Department on the number of school disruptions in the county in violation of this section for the immediately preceding school year.

(2) A county board shall report the information required under paragraph (1) of this subsection in the following manner:

(i) The disruptions shall be sorted into the following categories:

1. Attendance;
2. Arson, fire, or explosives;
3. Dangerous substances;
4. Sex offenses; and

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5. Attack with a weapon, threats, or fighting; and

(ii) Each incident of disruption shall be disaggregated by:

1. The race, ethnicity, disability status, and gender of the individual;

2. The actions taken against an individual by the local school or county board resulting from a violation, including suspensions of fewer than 10 days, suspensions of 10 days or more, and expulsions; and

3. Referrals for prosecution.

(3) On or before February 1, 2023, and each February 1 thereafter, the Department shall submit to the Maryland Center for School Safety and, in accordance with § 2-1257 of the State Government Article, the General Assembly a report on incidents of school disruptions in public schools in the State from a compilation of the reports submitted to the Department under paragraph (1) of this subsection and disaggregated in the manner required under paragraph (2) of this subsection.

(4) Each county board shall include information on school disruptions from the 2018–2019 and 2019–2020 school years in its report to the Department for the report due on December 1, 2022.”;

in line 20, strike “Department of Juvenile Services and the”; in line 21, after the first “the” insert “Department of Juvenile Services, the Public School Superintendents’ Association of Maryland, the”; and in line 25, strike “Department of Juvenile Services and the”.