

HOUSE BILL 1265

E3, F1

EMERGENCY BILL

5lr0439
CF 5lr0440

By: **Chair, Ways and Means Committee and Chair, Judiciary Committee (By Request – Departmental – Juvenile Services)**

Introduced and read first time: February 7, 2025

Assigned to: Ways and Means and Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juveniles – Arrests for Reportable Offenses**

3 FOR the purpose of altering certain provisions relating to the provision of notification to
4 certain school personnel of the arrest of a student for a certain reportable offense;
5 requiring the Department of Juvenile Services and the State Department of
6 Education to develop an operational protocol to guide the transmission of reportable
7 offense information; and generally relating to reportable offenses.

8 BY repealing and reenacting, with amendments,
9 Article – Education
10 Section 7–303
11 Annotated Code of Maryland
12 (2022 Replacement Volume and 2024 Supplement)

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

15 **Article – Education**

16 7–303.

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

18 (2) “Criminal organization” has the meaning stated in § 9–801 of the
19 Criminal Law Article.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (5) “Local superintendent” means:

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

6 (ii) The superintendent of schools for the:

7 1. Archdiocese of Baltimore;

8 2. Archdiocese of Washington; and

9 3. Catholic Diocese of Wilmington.

10 (6) “Reportable offense” means an offense that:

11 (i) Occurred off school premises;

12 (ii) Did not occur at an event sponsored by the school; and

13 (iii) Involved any of the following:

14 1. A crime of violence, as defined in § 14–101 of the Criminal
15 Law Article;

16 2. Any of the offenses enumerated in § 3–8A–03(e)(4) of the
17 Courts Article;

18 3. A violation of § 4–101, § 4–102, § 4–203, or § 4–204 of the
19 Criminal Law Article;

20 4. A violation of § 5–602, § 5–603, § 5–604, § 5–605, § 5–606,
21 § 5–607, § 5–608, § 5–608.1, § 5–609, § 5–612, § 5–613, § 5–614, § 5–617, § 5–618, § 5–627,
22 or § 5–628 of the Criminal Law Article;

23 5. A violation of § 4–503, § 9–504, or § 9–505 of the Criminal
24 Law Article;

25 6. A violation of § 6–102, § 6–103, § 6–104, or § 6–105 of the
26 Criminal Law Article;

27 7. A violation of § 9–802 or § 9–803 of the Criminal Law
28 Article;

29 8. A violation of § 3–203 of the Criminal Law Article;

1 **(2) THE SCHOOL PRINCIPAL; AND**

2 **(3) FOR A SCHOOL THAT HAS A SCHOOL SECURITY OFFICER, THE**
3 **SCHOOL SECURITY OFFICER.**

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

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

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

9 (e) (1) Notwithstanding the provisions of subsection (d) of this section,
10 **[nothing shall prohibit a local superintendent or school principal from transmitting] THE**
11 **FOLLOWING INDIVIDUALS SHALL TRANSMIT** the information obtained pursuant to
12 subsections (b) and (c) of this section as a confidential file to the local superintendent of
13 another public school system in the State or another nonpublic school in the State in which
14 the student has enrolled or been transferred in order to carry out the purposes of this
15 section if the disposition of the reportable offense was a conviction or an adjudication of
16 delinquency or the criminal charge or delinquency petition is still pending:

17 **(I) THE LOCAL SCHOOL SUPERINTENDENT;**

18 **(II) THE SCHOOL PRINCIPAL; AND**

19 **(III) FOR A STUDENT DETAINED OR COMMITTED TO THE**
20 **DEPARTMENT OF JUVENILE SERVICES UNDER TITLE 3, SUBTITLE 8A OF THE**
21 **COURTS ARTICLE, THE SUPERINTENDENT OF THE JUVENILE SERVICES**
22 **EDUCATION PROGRAM OR THE SUPERINTENDENT'S DESIGNEE.**

23 (2) **[A local superintendent or school principal] AN INDIVIDUAL**
24 **DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION** who transmits information about
25 a student under this subsection shall include in the transmittal information regarding any
26 educational programming and related services provided to the student.

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

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

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

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

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

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

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

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

20 (j) (1) On or before December 30 each year, the Department, in accordance
21 with State and federal privacy laws, shall submit to the Governor and, in accordance with
22 § 2-1257 of the State Government Article, the General Assembly a report that includes the
23 following information about each reportable offense for which a local school received
24 information under subsection (b) of this section in the preceding school year:

25 (i) The nature of the reportable offense;

26 (ii) Verification that the offense occurred off school premises;

27 (iii) Action taken by the local school and county board after being
28 notified of the reportable offense;

29 (iv) The race, ethnicity, gender, and disability status of the student
30 arrested for the reportable offense;

31 (v) The grade of the student arrested for the reportable offense;

32 (vi) The regular school program of the student arrested for the
33 reportable offense;

1 (vii) Whether the student's regular school program was altered as a
2 result of the reportable offense;

3 (viii) If the student was removed from the student's regular school
4 program as a result of the reportable offense:

5 1. The amount of time during which the student was
6 removed; and

7 2. The student's placement and educational programming
8 during the period of removal; and

9 (ix) If removed from the student's regular school program, the
10 student's academic performance during the time period the student was removed, including
11 attendance, grades, and standardized test scores, and any additional disciplinary actions.

12 (2) Each county board and public school shall provide the Department with
13 any information necessary to issue its report in accordance with this section.

14 (k) If a student is removed or excluded from the student's regular school program
15 for a reportable offense, the principal or county superintendent shall invite the student's
16 attorney, if the student has an attorney, to participate in the conference between the
17 student or the student's parent or guardian and the principal or county superintendent,
18 and the manifestation determination review, if applicable.

19 SECTION 2. AND BE IT FURTHER ENACTED, That:

20 (a) The Department of Juvenile Services and the State Department of Education,
21 in consultation with the Maryland State's Attorneys' Association, the Juvenile Services
22 Education Program, the Maryland Chiefs of Police Association, and the Maryland Sheriffs'
23 Association, shall develop an operational protocol to guide the transmission of information
24 as required under Section 1 of this Act.

25 (b) The Department of Juvenile Services and the State Department of Education
26 shall submit an interim report on or before December 30, 2025, and a final report on or
27 before December 30, 2026, to the General Assembly, in accordance with § 2-1257 of the
28 State Government Article, on the development of the operational protocol required under
29 subsection (a) of this section.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
31 measure, is necessary for the immediate preservation of the public health or safety, has
32 been passed by a ye and nay vote supported by three-fifths of all the members elected to
33 each of the two Houses of the General Assembly, and shall take effect from the date it is
34 enacted.