

# HOUSE BILL 1265

E3, F1

EMERGENCY BILL

5lr0439  
CF 5lr0440

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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

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 6, 2025

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Juveniles – Arrests for Reportable Offenses~~

3 **Education – Reportable Offenses and Prohibited Behavior on School Grounds –**  
4 **Alterations**

5 FOR the purpose of altering the offenses that constitute “reportable offenses” that a law  
6 enforcement agency must report to certain school personnel under certain  
7 circumstances; altering certain provisions relating to the provision of notification to  
8 certain school personnel of the arrest of a student for a certain reportable offense;  
9 requiring ~~the Department of Juvenile Services and~~ the State Department of  
10 Education to develop an operational protocol to guide the transmission of reportable  
11 offense information; specifying that provisions of law prohibiting and penalizing  
12 certain behavior on school grounds and property do not apply to certain students;  
13 and generally relating to reportable offenses and prohibited behavior on school  
14 grounds.

15 BY repealing and reenacting, with amendments,  
16 Article – Education  
17 Section 7–303 and 26–101  
18 Annotated Code of Maryland  
19 (2022 Replacement Volume and 2024 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1

**Article – Education**

2 7–303.

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

4 (2) “Criminal organization” has the meaning stated in § 9–801 of the  
5 Criminal Law Article.6 (3) “Law enforcement agency” means the law enforcement agencies listed  
7 in § 3–101(e) of the Public Safety Article.8 (4) “Local school system” means the schools and school programs under the  
9 supervision of the local superintendent.

10 (5) “Local superintendent” means:

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

13 (ii) The superintendent of schools for the:

14 1. Archdiocese of Baltimore;

15 2. Archdiocese of Washington; and

16 3. Catholic Diocese of Wilmington.

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

18 (i) Occurred off school premises;

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

20 (iii) Involved any of the following:

21 1. A crime of violence, as defined in § 14–101 of the Criminal  
22 Law Article;23 2. Any of the offenses enumerated in ~~§ 3–8A–03(e)(4)~~ §  
24 **3–8A–03(D)(4)** of the Courts Article;25 3. A violation of § 4–101, § 4–102, § 4–203, or § 4–204 of the  
26 Criminal Law Article;

1 4. A violation of § 5-602, ~~§ 5-603, § 5-604, § 5-605, § 5-606,~~  
 2 § 5-607, § 5-608, § 5-608.1, § 5-609, § 5-612, § 5-613, § 5-614, ~~§ 5-617, § 5-618,~~ § 5-627,  
 3 or § 5-628 of the Criminal Law Article;

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

6 6. A violation of § 6-102, § 6-103, § 6-104, or § 6-105 of the  
 7 Criminal Law Article;

8 7. A violation of § 9-802 or § 9-803 of the Criminal Law  
 9 Article;

10 ~~8. A violation of § 3-203 of the Criminal Law Article;~~

11 ~~9. A violation of § 6-301 of the Criminal Law Article;~~

12 ~~10. A violation of § 9-302, § 9-303, or § 9-305 of the Criminal~~  
 13 ~~Law Article;~~

14 ~~11. A violation of § 7-105 of the Criminal Law Article;~~

15 ~~12. A violation of § 6-202 of the Criminal Law Article; or~~

16 ~~13. A violation of § 10-606 of the Criminal Law Article;~~

17 **9. A VIOLATION OF § 3-902 OF THE CRIMINAL LAW**  
 18 **ARTICLE; OR**

19 **10. A VIOLATION OF § 3-1001 OF THE CRIMINAL LAW**  
 20 **ARTICLE.**

21 (7) "School principal" means the principal of the public or nonpublic school  
 22 in which a student is enrolled, or a designee of the principal, who is an administrator.

23 (8) (i) "School security officer" includes a school principal, another  
 24 school administrator, a law enforcement officer, or other individual employed by a local  
 25 school system or a local government who is designated by the county superintendent or a  
 26 school principal to help maintain the security and safety of a school.

27 (ii) "School security officer" does not include a teacher.

28 (9) "Student" means an individual enrolled in a public school system or  
 29 nonpublic school in the State who is 5 years of age or older and under 22 years of age.

1 (b) If a student is arrested for a reportable offense or an offense that is related to  
 2 the student's membership in a criminal organization, the law enforcement agency making  
 3 the arrest:

4 (1) Shall notify the following individuals of the arrest and the charges  
 5 within 24 hours of the arrest or as soon as practicable:

6 (i) The local superintendent;

7 (ii) The school principal; and

8 (iii) For a school that has a school security officer, the school security  
 9 officer; and

10 (2) May notify the State's Attorney of the arrest and charges.

11 (c) The State's Attorney shall promptly notify [either the local superintendent or  
 12 the school principal] **THE FOLLOWING INDIVIDUALS** of the disposition of the reportable  
 13 offense required to be reported under subsection (b) of this section:

14 **(1) THE LOCAL SUPERINTENDENT;**

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

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

18 (d) Except by order of a juvenile court or other court upon good cause shown, the  
 19 information obtained by an individual pursuant to subsections (b) ~~and (c), (C), AND (E)~~ of  
 20 this section:

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

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

24 (e) (1) **(I)** Notwithstanding the provisions of subsection (d) of this section,  
 25 [nothing shall prohibit a local superintendent or school principal from transmitting] **THE**  
 26 ~~FOLLOWING INDIVIDUALS~~ **LOCAL SUPERINTENDENT SHALL TRANSMIT** the  
 27 information obtained pursuant to subsections (b) and (c) of this section as a confidential file  
 28 to the local superintendent of another public school system in the State or another  
 29 nonpublic school in the State in which the student has enrolled or been transferred in order  
 30 to carry out the purposes of this section if the disposition of the reportable offense was a  
 31 conviction or an adjudication of delinquency or the criminal charge or delinquency petition  
 32 is still pending;

1           ~~(I) THE LOCAL SCHOOL SUPERINTENDENT;~~

2           ~~(II) THE SCHOOL PRINCIPAL; AND~~

3           ~~(III) FOR A STUDENT DETAINED OR COMMITTED TO THE~~  
 4 ~~DEPARTMENT OF JUVENILE SERVICES UNDER TITLE 3, SUBTITLE 8A OF THE~~  
 5 ~~COURTS ARTICLE, THE SUPERINTENDENT OF THE JUVENILE SERVICES~~  
 6 ~~EDUCATION PROGRAM OR THE SUPERINTENDENT'S DESIGNEE.~~

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

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

12                   **1. IS UNDER THE CUSTODY OF THE DEPARTMENT OF**  
 13 **JUVENILE SERVICES;**

14                   **2. WAS ARRESTED FOR A REPORTABLE OFFENSE OR A**  
 15 **CRIME RELATED TO THE STUDENT'S MEMBERSHIP IN A CRIMINAL ORGANIZATION;**  
 16 **AND**

17                   **3. IS TRANSFERRING TO A PUBLIC SCHOOL IN THE**  
 18 **STATE.**

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

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

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

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

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

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

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

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

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

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

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

23           (j) (1) On or before December 30 each year, the Department, in accordance  
24 with State and federal privacy laws, shall submit to the Governor and, in accordance with  
25 § 2-1257 of the State Government Article, the General Assembly a report that includes the  
26 following information about each reportable offense for which a local school received  
27 information under subsection (b) of this section in the preceding school year:

28                   (i) The nature of the reportable offense;

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

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

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

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

1 (vi) The regular school program of the student arrested for the  
2 reportable offense;

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

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

7 1. The amount of time during which the student was  
8 removed; and

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

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

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

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

21 26-101.

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

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

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

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

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

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

5 (2) On a school vehicle;

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

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

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

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

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

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

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

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

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

30 1. Attendance;

31 2. Arson, fire, or explosives;

32 3. Dangerous substances;



1                   4.     Sex offenses; and

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

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

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

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

9                   3.     Referrals for prosecution.

10                  (3)    On or before February 1, 2023, and each February 1 thereafter, the  
11 Department shall submit to the Maryland Center for School Safety and, in accordance with  
12 § 2–1257 of the State Government Article, the General Assembly a report on incidents of  
13 school disruptions in public schools in the State from a compilation of the reports submitted  
14 to the Department under paragraph (1) of this subsection and disaggregated in the manner  
15 required under paragraph (2) of this subsection.

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

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 Department of Juvenile Services, the Public School  
22 Superintendents' Association of Maryland, the Maryland State's Attorneys' Association,  
23 the Juvenile Services Education Program, the Maryland Chiefs of Police Association, and  
24 the Maryland Sheriffs' Association, shall develop an operational protocol to guide the  
25 transmission of information as required under Section 1 of this Act.

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.