

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1211 (Delegate R. Long, *et al.*)
Ways and Means and Judiciary

Education - Reporting Arrests of Students - Alterations

This bill alters notification requirements related to students arrested for reportable offenses or offenses related to student membership in a criminal organization. **The bill takes effect July 1, 2025.**

Fiscal Summary

State Effect: State law enforcement agencies can provide the required notifications, and the Maryland Center for School Safety (MCSS), Juvenile Services Education Program (JSEP), and State Board of Education (SBE) can receive the notifications, with existing resources. The bill may have an operational effect on the three agencies to establish procedures for receiving and maintaining the records. No effect on revenues.

Local Effect: Local public safety agencies, State's Attorneys, and school systems can likely receive and provide the required notifications, as relevant, with existing resources, as discussed below. No effect on revenues.

Small Business Effect: None.

Analysis

Bill Summary: When a student is arrested for a reportable offense or an offense related to the student's membership in a criminal organization, the law enforcement agency making the arrest, in addition to reporting the arrest to specified individuals under current law, must also report the arrest to MCSS, JSEP, SBE, and the State's Attorney. (Under current law, law enforcement is authorized, but not required, to report these arrests to the State's Attorney.)

The State's Attorney must promptly notify the local superintendent *and* school principal (instead of either one) and MCSS, JSEP, and SBE of the disposition of the reportable offense.

The bill extends protections and restrictions in current law regarding the confidentiality and distribution of information about arrests for reportable offenses (and arrests for membership in a criminal organization) to information about such arrests obtained by MCES, JSEP, and SBE. However, a local superintendent must notify MCSS, JSEP, and SBE when a student whose information has been obtained no longer resides in the jurisdiction of the local school board.

Current Law: When a student is arrested for a “reportable offense” or an offense related to the student’s membership in a criminal organization, the law enforcement agency making the arrest *must* notify (1) the local superintendent; (2) the school principal; and (3) if appropriate, the school security officer. The law enforcement agency *may* also notify the State’s Attorney. The State’s Attorney must promptly notify either the local superintendent or the school principal of the disposition of the reportable offense.

A reportable offense is an offense that (1) occurred off school premises; (2) did not occur at an event sponsored by the school; and (3) includes a crime of violence, as specified in the Criminal Law Article and numerous other specified weapons-, drug-, assault-, and theft-related offenses. If a student is removed or excluded from the student’s regular school for a reportable offense, the student’s attorney (if applicable) must be invited to participate in a conference between the student or the student’s parent or guardian and the principal or county superintendent.

The Criminal Law Article defines a crime of violence as any of 26 enumerated crimes, including abduction, arson, murder, rape, armed carjacking, and sexual offenses.

Except by order of a juvenile court with good cause shown, information about a student’s arrest is confidential and may not be redisclosed, except as specified, and may not be part of the student’s permanent educational record. A superintendent may share the information as part of a confidential file with another superintendent or a nonpublic school in the State in which the student has enrolled. The information shared must include information regarding any educational programming and related services provided to the student. SBE is required to adopt regulations to ensure that information obtained by local superintendents, principals, or school security officers is used only for specified educational purposes and is destroyed when the student graduates, otherwise permanently leaves school, or turns 22 years old, whichever comes first.

Local Expenditures: The bill requires local school superintendents to notify MCSS, JSEP, and SBE when a student who has been arrested no longer resides in the school

system. Local school systems have previously advised that they do not have resources to track the residency of a particular individual. However, they can notify the appropriate parties when a student is no longer enrolled in any of their schools. To the extent that disenrollment serves as a reasonable proxy for no longer living in the school district, local school systems can provide the required notification with existing resources. Otherwise, they may incur significant additional expenses to establish a residency tracking system for arrested youth.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 18 of 2024; HB 203 of 2023; and HB 1268 of 2022

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Maryland State Department of Education; Maryland School for the Deaf; Maryland Center for School Safety; Department of Juvenile Services; Baltimore City; Anne Arundel County Public Schools; Baltimore County Public Schools; Frederick County Public Schools; Montgomery County Public Schools; St. Mary's County Public Schools; Department of Legislative Services

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