

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE

Third Reader - Revised

House Bill 1265

(Chair, Ways and Means Committee and Chair, Judiciary Committee)(By Request - Departmental - Juvenile Services)

Ways and Means and Judiciary

Education, Energy, and the Environment and
Judicial Proceedings

**Education - Reportable Offenses and Prohibited Behavior on School Grounds -
Alterations**

This emergency departmental bill alters (1) the list of offenses that constitute “reportable offenses” and (2) the notification and data sharing provisions related to a student’s arrest for a reportable offense, or an offense related to the student’s membership in a criminal organization. The bill also establishes that specified prohibitions against disruptive, violent, or threatening behavior on the grounds of institutions of elementary, secondary, or higher education or at school-sponsored events do not apply to (1) a student attending the school where the offense occurs or (2) a student attending another institution who is participating in a sporting event or other extracurricular event sponsored by the school where the offense occurs.

Fiscal Summary

State Effect: The Maryland State Department of Education (MSDE) can prepare the protocol and submit the related reports with existing resources. The Department of Juvenile Services (DJS) can comply with the bill’s additional reporting requirements with existing resources. Reduced application of existing penalty provisions related to school-based offenses is not expected to have a material effect on State revenues or expenditures. However, the bill may have an operational effect on the ability of State institutions of higher education to address disruptive behavior by students.

Local Effect: Local school systems and State’s Attorneys can implement the bill’s notification requirements with existing resources. Reduced application of existing penalty provisions related to school-based offenses is not expected to have a material effect on local revenues or expenditures. However, the bill may have an operational effect on the

ability of local school systems and community colleges to address disruptive behavior by students.

Small Business Effect: DJS has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Bill Summary:

Reportable Offenses

The bill repeals multiple offenses from the list of “reportable offenses,” including various drug-related offenses, assault in the second degree, malicious destruction of property, inducing false testimony, retaliating for testimony, intimidating or corrupting a juror, motor vehicle theft, and first-degree burglary.

The bill adds two offenses to the list of reportable offenses: visual surveillance with prurient intent; and making a threat of mass violence.

Department of Juvenile Services Notifications

When a student who is under DJS custody and has been arrested for a reportable offense or a crime related to the student’s membership in a criminal organization transfers to a public school in the State, DJS must notify the local superintendent of the school system to which the student is transferring through a confidential file if (1) the disposition of the student’s case was a conviction or an adjudication of delinquency or (2) the criminal charge or delinquency petition is still pending. The confidential file must include information on any services and educational programming provided to the student. If a student is enrolled in the Juvenile Services Education Program, DJS must consult with the program in providing the notification.

Reportable Offense Notifications

The State’s Attorney must promptly notify the local superintendent *and* school principal (instead of either one) and, if appropriate, the school security officer of the disposition of a student’s reportable offense. In turn, if an arrested student enrolls in another public or nonpublic school in the State and the disposition of the case was a conviction or an adjudication of delinquency, or if the charges are still pending, the local superintendent must transmit information regarding the student’s arrest for a reportable offense and the

disposition of the case to the local superintendent of another public school system or a nonpublic school in which the student enrolls.

MSDE, in consultation with DJS and other specified entities, must develop an operational protocol to guide the transmission of information about students' arrests (and subsequent dispositions) for reportable offenses and offenses related to membership in a criminal organization.

MSDE must submit an interim report on the development of the protocol to the General Assembly by December 30, 2025, and a final report by December 30, 2026.

Prohibited Behavior on School Grounds

Under the bill, the following provisions in current law do *not* apply to students enrolled in the school where the offense occurs or who are participating in a sporting event or extracurricular activity at the school:

- 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;
- 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 educational institution; (2) on a school vehicle; (3) at an activity sponsored by a school that is held off of school property; or (4) on property that is owned by a local school system and is used for administrative or other purposes; and
- a person may not threaten with bodily harm any employee of an educational institution at home by any means, including in person, by telephone, or by electronic mail. This prohibition relates only to threats arising out of the scope of the employee's employment.

As a result, those students are not subject to the criminal penalties in current law that apply to the prohibited offenses.

Current Law:

Reportable Offenses

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. The State Board of Education 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.

In January 2025, MSDE adopted a regulation that requires a local superintendent or school principal to transmit information regarding a student's arrest and the disposition of the arrest to the local superintendent or nonpublic school in which the student enrolls if the disposition of the case was a conviction or an adjudication of delinquency, or if the charges are still pending.

Prohibited Behavior on School Grounds

Any person who commits the offenses listed above on school grounds or property is guilty of a misdemeanor and on conviction is subject to a fine of up to \$2,500 and/or imprisonment for up to six months. (Under the bill, these penalties do not apply to students described above.)

Chapter 742 of 2022 requires, by December 1 of each year, each local school board to report to MSDE on the number of school disruptions in the county for the preceding school year, disaggregated by type of disruption, student demographic characteristics, and outcomes, as specified. By February 1 of each year, MSDE must submit a report to the

Maryland Center for School Safety and the General Assembly that compiles the data from the local school board reports.

Background: The Governor’s Office requested that DJS conduct an interagency review of information-sharing procedures for youth charged with or convicted of violent crimes while enrolled in Maryland public schools. The review identified that local superintendents are authorized in statute, but not required, to share related information when a student who is the subject of a reportable offense enrolls in another school. Also, the Juvenile Services Education Program is not included in current notification requirements. The bill addresses both of the gaps identified by DJS’s review.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

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

Fiscal Note History: First Reader - March 4, 2025
caw/jkb Third Reader - March 27, 2025
Revised - Amendment(s) - March 27, 2025

Analysis by: Michael C. Rubenstein

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Juveniles - Arrests for Reportable Offenses

BILL NUMBER: HB1265

PREPARED BY: Michael DiBattista

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

 X WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESS

OR

 WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS