

Senate Judicial Proceedings Committee

Testimony: Senate Bill 846 – Peace Orders – Workplace Violence

Testimony Submitted by: Mr. Joseph Pettiford, Jr.  
Associate Vice President of Human Resources, Howard Community College

Position: Support with Exemptions

March 11, 2020

Senator Sydnor III and Members of the Committee:

My name is Joseph B. Pettiford, Jr. and I'm testifying as a Human Resources (HR) professional and a higher education administrator.

I support SB 846 for private employers who wish to engage with their employees to seek a peace order for the protection of the employee and others from an imminent threat of harm while at the workplace. As an HR professional with over 20 years of experience, the threat and reality of workplace violence is ever present.

While SB 846 is of value to private employers, I would note that institutions of higher education have several provisions in Maryland's Education Article<sup>1</sup> that give them authority to control their campuses, issue non-trespass letters, and more. These statutes complement the college's own administrative regulations and procedures, the Code of Student Conduct, and other enactments adopted by the institution.

To illustrate, in the spring of 2019, I encountered a situation where a former employee that previously had been engaged in a relationship with a current employee entered the campus and sought to confront the employee. The situation quickly became threatening when the former employee told supervisors on campus that they carried a gun and would not hesitate to use it, if anyone interfered with their efforts. This situation was quickly addressed in the following ways:

- 1) The employee notified their supervisor immediately.
- 2) The supervisor notified HR and on-campus security simultaneously.
- 3) A recent picture of the former employee (archived photo was also available) was provided to security officials, in case an unsolicited onsite visit ensued and a Be On Look Out (BOLO) status was established.
- 4) The employee was encouraged to seek a self-initiated Peace Order and did so.
- 5) The judge denied the request and so campus officials immediately requested a campus ban. This notice was served when the former employee next visited the campus, and it was registered with local law enforcement. This ban was good for one year and would have resulted in an immediate arrest and subsequent charge for trespassing.

Had this situation involved a student, we would have utilized a host of internal Student Code of Conduct policies and due process measures to address the matter.

In short, the tools for educational institutions are reasonable and do not create unnecessary legal filings, court appearances, the need for case management staff and unbudgeted fiscal constraints

imposed upon an already challenging educational model. While the Fiscal Note for SB 846 states no material effect on localities' operations or finances, I do believe educational institutions will incur additional costs for legal advice, investigations, unsolicited responses to civil and/or criminal lawsuits, and possibly more. My institution marks its 50th anniversary this year, and during that time, we have successfully managed our resources and partnerships with law enforcement.

Many institutions of higher education, including my own, exercise active shooter drills, update emergency operation plans, and conduct emergency preparedness simulations regularly. These exercises are executed within the existing framework of the Maryland Education Article and within each of our institution's policies and procedures.

For these reasons, I ask the committee to support SB 846 for private companies, while granting an exemption for all higher education institutions for the aforementioned reasons. Private companies do not have the same Maryland Education Article from which to operate, and they may have the necessary economic resources to provide legal services to their employees.

Thank you for this opportunity to share my experiences as you consider this bill.

---

<sup>1</sup> Maryland Code, Education § 26-103,102, 103.

## **Subtitle 1—School Security**

MD Educ D. IV, T. 26, Subt. 1, Refs. & Annos

§ 26-101. Disorderly Conduct or Obstruction of Activities, Administration, or Classes Prohibited

§ 26-102. Denial of Access to Public School Buildings or Grounds

§ 26-103. Alcohol Possession or Consumption on School Premises Prohibited

§ 26-104. Interference with School Bus Driver Prohibited

**§ 26-101. Disorderly conduct or obstruction of activities, administration, or classes prohibited...**  
West's Annotated Code of Maryland  
Education

West's Annotated Code of Maryland  
Education (Refs & Annos)  
Division IV. Other Education Provisions [Titles 21-End] (Refs & Annos)  
Title 26. Prohibitions and Penalties (Refs & Annos)  
Subtitle 1. School Security (Refs & Annos)

MD Code, Education, § 26-101

**§ 26-101. Disorderly conduct or obstruction of activities, administration, or classes prohibited**

Currentness

**In general**

(a) 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.

**Protection of students, employees, administrators, agents, or other individuals**

(b) 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

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

**Threats against school employees by any means prohibited**

(c) 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 prohibition applies only to threats arising out of the scope of the employee's employment.

**Injunctions restraining activities in violation of section**

(d) In addition to the penalties provided in this section or in § 6-40B 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.

**Misdemeanor violations**

(e) 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.

**Credits**

Added by Acts 1978, c. 22, § 2, eff. July 1, 1978. Amended by Acts 1998, c. 21, § 9, eff. April 14, 1998; Acts 1999, c. 561, § 1, eff. July 1, 1999; Acts 1999, c. 562, § 1, eff. July 1, 1999. Acts 2002, c. 213, § 6, eff. Oct. 1, 2002.

Formerly Art. 27, § 123A; Art. 77, § 96.

MD Code, Education, § 26-101, MD EDUC § 26-101

Current through all legislation from the 2019 Regular Session of the General Assembly.

END OF

© 2020 Thomson Reuters. No claim in original U.S. Government Works

**in general:**

(a)(1) Unless locally approved by the county board of education, a person may not drink or possess any alcoholic beverage on the premises of any public school.

(2) A person who drinks or possesses any alcoholic beverage and causes a public disturbance at any elementary or secondary school athletic contest may not refuse to comply with a request by a law enforcement officer to stop drinking and causing the public disturbance. If the person complies with the first request, he may not be charged under this paragraph.

**Citations issued for violations**

(b)(1) Any person under 18 years of age who violates the provisions of this section shall be issued a citation and be subject to the dispositions for a violation under Title 3, Subtitle 8A of the Courts Article.

(2) Any person 18 years old or older violating the provisions of this section shall be issued a citation and be subject to § 10-119 of the Criminal Law Article.

**Credits**

Added by Acts 1978, c. 22, § 2, eff. July 1, 1978. Amended by Acts 1982, c. 844; Acts 1994, c. 483, § 2, eff. Oct. 1, 1994; Acts 1995, c. 3, § 1, eff. March 7, 1995; Acts 2001, c. 415, § 6, eff. Oct. 1, 2001; Acts 2002, c. 213, § 6, eff. Oct. 1, 2002.

Formerly Art. 27, §§ 122B, 123.

**Editors' Notes**

**HISTORICAL AND STATUTORY NOTES**

**2000 Legislation**

Acts 2001, c. 415, § 7, provides:

"SECTION 7. AND BE IT FURTHER ENACTED, That this Act does not affect the validity of any proceeding pending on the effective date of this Act and does not affect the release, extinguishment, or alteration, wholly or partly, of any penalty, forfeiture, or liability, whether civil or criminal, which shall have occurred under any statute amended or repealed by this Act and such statute shall be treated as still remaining in force for the purpose of sustaining any and all proper actions for the enforcement of such penalty, forfeiture, or liability and any judgment, decree, or order that can be rendered in such action."

MD Code, Education, § 26-103, MD EDUC § 26-103

Current through all legislation from the 2019 Regular Session of the General Assembly.

**END OF  
DOCUMENT**

© 2020 Thomson Reuters. No claim to original U.S. Government Works.

**§ 26-102. Denial of access to public school buildings or grounds**  
West's Annotated Code of Maryland  
Education

West's Annotated Code of Maryland  
Education (Refs & Annos)  
Division IV. Other Education Provisions [Titles 21-End] (Refs & Annos)  
Title 26. Prohibitions and Penalties (Refs & Annos)  
Subtitle 1. School Security (Refs & Annos)

MD Code, Education, § 26-102

**§ 26-102. Denial of access to public school buildings or grounds**

Currentness

**School resource officer defined**

(a) In this section, "school resource officer" means a law enforcement officer as defined under § 3-101(a) of the Public Safety Article who has been assigned to a school in accordance with a memorandum of understanding between the chief of a law enforcement agency as defined under § 3-101(b) of the Public Safety Article and the local education agency.

**Persons denied access to buildings or grounds of public school institutions**

(b) The governing board, president, superintendent, principal, or school resource officer of any public institution of elementary, secondary, or higher education, or a person designated in writing by the board or any of these persons, may deny access to the buildings or grounds of the institution to any other person who:

- (1) Is not a bona fide, currently registered student, or staff or faculty member at the institution, and who does not have lawful business to pursue at the institution;
- (2) Is a bona fide, currently registered student at the institution and has been suspended or expelled from the institution, for the duration of the suspension or expulsion; or
- (3) Acts in a manner that disrupts or disturbs the normal educational functions of the institution.

**Demands for identification and qualification to use or enter premises**

(c) Administrative personnel, authorized employees of any public institution of elementary, secondary, or higher education, and persons designated in subsection (b) of this section may demand identification and evidence of qualification from any person who desires to use or enter the premises of the institution.

**Agreements with law enforcement agencies**

(d) The governing board of any public institution of elementary, secondary, or higher education may enter into an agreement with appropriate law enforcement agencies to carry out the responsibilities of this section when:

- (1) The institution is closed; or
- (2) None of the persons designated in subsection (b) of this section are present in the buildings or on the grounds of the institution.

**Misdemeanor violations**

(e) A person is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000, imprisonment not exceeding 6 months, or both if he:

- (1) Trespasses on the grounds of any public institution of elementary, secondary, or higher education;
- (2) Fails or refuses to leave the grounds of any of these institutions after being requested to do so by a person designated in subsection (b) of this section as being authorized to deny access to the buildings or grounds of the institution; or
- (3) Willfully damages or defaces any building, furnishing, statue, monument, memorial, tree, shrub, grass, or flower on the grounds of any of these institutions.

**Credits**

Added by Acts 1978, c. 22, § 2, eff. July 1, 1978. Amended by Acts 1980, c. 66, Acts 1981, c. 467; Acts 1983, c. 442; Acts 1998, c. 21, § 1, eff. April 14, 1998. Acts 2001, c. 153, § 1, eff. July 1, 2001; Acts 2002, c. 19, § 1, eff. April 9, 2002; Acts 2003, c. 17, § 1, eff. Oct. 1, 2003.

Formerly Art. 27, § 577B.

MD Code, Education, § 26-102, MD EDUC § 26-102

Current through all legislation from the 2019 Regular Session of the General Assembly.

**END OF  
DOCUMENT**

© 2020 Thomson Reuters. No claim to original U.S. Government Works.

**§ 26-103. Alcohol possession or consumption on school premises prohibited**  
 West's Annotated Code of Maryland  
 Education

West's Annotated Code of Maryland  
 Education (Refs & Annos)  
 Division IV. Other Education Provisions [Titles 21-End] (Refs & Annos)  
 Title 26. Prohibitions and Penalties (Refs & Annos)  
 Subtitle 1. School Security (Refs & Annos)

MD Code, Education, § 26-103

**§ 26-103. Alcohol possession or consumption on school premises  
 prohibited**

Currentness

**In general**

(a)(1) Unless locally approved by the county board of education, a person may not drink or possess any alcoholic beverage on the premises of any public school.

(2) A person who drinks or possesses any alcoholic beverage and causes a public disturbance at any elementary or secondary school athletic contest may not refuse to comply with a request by a law enforcement officer to stop drinking and causing the public disturbance. If the person complies with the first request, he may not be charged under this paragraph.

**Citations issued for violations**

(b)(1) Any person under 18 years of age who violates the provisions of this section shall be issued a citation and be subject to the dispositions for a violation under Title 3, Subtitle 8A of the Courts Article.

(2) Any person 18 years old or older violating the provisions of this section shall be issued a citation and be subject to § 10-119 of the Criminal Law Article.

**Credits**

Added by Acts 1978, c. 22, § 2, eff. July 1, 1978. Amended by Acts 1982, c. 844; Acts 1994, c. 483, § 2, eff. Oct. 1, 1994; Acts 1995, c. 3, § 1, eff. March 7, 1995; Acts 2001, c. 415, § 6, eff. Oct. 1, 2001; Acts 2002, c. 213, § 6, eff. Oct. 1, 2002.

Formerly Art. 27, §§ 122B, 123.

**Editors' Notes**

**HISTORICAL AND STATUTORY NOTES**

**2000 Legislation**

Acts 2001, c. 415, § 7, provides:

"SECTION 7. AND BE IT FURTHER ENACTED. That this Act does not affect the validity of any proceeding pending on the effective date of this Act and does not affect the release, extinguishment, or alteration, wholly or partly, of any penalty, forfeiture, or liability, whether civil or criminal, which shall have occurred under any statute amended or repealed by this Act and such statute shall be treated as still remaining in force for the purpose of sustaining any and all proper actions for the enforcement of such penalty, forfeiture, or liability and any judgment, decree, or order that can be rendered in such action."

MD Code, Education, § 26-103, MD EDUC § 26-103  
 Current through all legislation from the 2019 Regular Session of the General Assembly.

END OF  
 DOCUMENT

© 2020 Thomson Reuters. No claim to original U.S. Government Works