

Aruna Miller
Lt. GovernorWes Moore
GovernorVincent Schiraldi
Secretary

Date: February 12, 2025
Bill Number/Title: SB 386 - Primary and Secondary Education – Definition and Notification of Reportable Offense – Alterations
Committee: Education, Energy and Environment
DJS Position: LOI

The Department of Juvenile Services is submitting a Letter of Information as to the transmission of information between law enforcement, schools and the State’s Attorney when a student is arrested for a reportable offense.

Currently, when a youth is arrested for a reportable offense, the law enforcement officer is required to notify the superintendent, principal and security officer at the youth’s school within 24 hours of the arrest. If the matter is prosecuted, the State’s Attorney is required to promptly notify the school superintendent, principal and security officer of the court disposition.

The purpose of the notification provisions is to ensure that school officials receive information in a timely manner to maintain a safe learning environment. Once a school is notified by law enforcement that a youth was arrested for a reportable offense, the school activates a series of protocols, assessments, and supports to promote safety for the school community and ensure the youth continues to receive educational services until the school is notified by the State’s Attorney of the case disposition.

The current notification procedures leave out an important decision point that should be communicated to school officials. Generally, once a youth is arrested - either in the juvenile or adult system - a juvenile intake officer or adult commissioner makes a decision on whether the case shall move forward to the State’s Attorney. In juvenile matters, intake officers only have discretion to divert or resolve misdemeanor (non-firearm) offenses; all other charges are required to be forwarded to the state’s attorney. If the youth is charged with a reportable offense in the adult system, the county commissioner assesses the complaint and forwards it to the local State’s Attorney’s Office.

If the goal of the proposed legislation is to ensure schools are aware of whether a reportable offense complaint is either disposed of or diverted prior to court intervention, DJS makes the following suggestions:

- Require DJS to notify school officials if a complaint is resolved or informaled in misdemeanor (non-firearm matters);
- Require the State’s Attorney to notify school officials if a complaint involving a misdemeanor firearm offense or felony is not going to be prosecuted;
- Require the local county commissioner to notify school officials if the matter, involving a youth charged with a reportable offense, is not forwarded to the state’s attorney’s office.

It is important to ensure that school officials are notified if a reportable offense is not going to be prosecuted due to the number of protocols and assessments that are required to be followed. DJS is committed to ensuring the reportable offense information sharing process is fair, equitable, and narrowly tailored to promote a safe learning environment.

Contact: Kara Aanenson, DJS Director of Legislation Policy and Reform, kara.aanenson@maryland.gov

