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POSITION ON PROPOSED LEGISLATION

BILL: House Bill 588 - Juveniles – Reportable Offenses

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: February 26, 2025

The Maryland Office of the Public Defender (MOPD) respectfully requests that the Committee issue an unfavorable report on House Bill 588, which seeks to modify Maryland Code, Education Article § 7-303 and to require the Maryland Department of Juvenile Services (DJS) to report certain information for students who are committed to DJS.

House Bill 588 is duplicative and unnecessary as current law already requires the sharing of this information. Pursuant to Maryland Code, Education § 7-303, law enforcement has to notify within 24 hours or as soon as practicable, a student's arrest for a reportable offense or offense related to the student's membership in a criminal organization. The disposition of the reportable offense must also be provided to school systems by the State's Attorney. *See* Md. Code, Educ., 7-303(c). There are already mechanisms in place that require the sharing of information related to the charge and disposition, making HB 588 an unnecessary bill.

As for information regarding education services provided to students committed to DJS custody, current law already requires a process for the transmission of educational records between DJS's Juvenile Services Education Program (JSEP) and local school systems. *See* Md. Code, Human Serv. § 9-604(a)(4). In addition, prior to a student being discharged from a DJS placement, a re-entry meeting and an education transition meeting are held. The Education Transition Meeting is supposed to include DJS case management staff, an education transition specialist, a JSEP staff member, school staff from the local school system, and the student and their family. At this meeting, information regarding the education services and academic progress is shared with the receiving school system along with the education records. *See* Md. Code, Human Serv. § 9-604(b).

In 2022, the Maryland General Assembly passed legislation which clarified the reportable offense process. In July 2024, the Maryland State Board of Education issued regulations which provide more guidance on how the reportable offense process is to work, and require the timely reporting by law enforcement and notice of disposition by the States Attorney's Office. On January 28, 2025, the Maryland State Board of Education voted to adopt an additional regulatory change which will require the sharing of information between school systems regarding reportable offenses. Given the robust process already outlined in the regulations pursuant to Maryland Code, Education, § 7-303, additional legislative action as set forth in HB 588 is redundant, and is therefore unnecessary.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on House Bill 588.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

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