



## THE MARYLAND HOUSE OF DELEGATES ANNAPOLIS, MARYLAND 21401

### **H.B. 951: School Systems - Reportable Offenses - Alterations**

Esteemed Members of the House Ways and Means Committee and the House Judiciary Committee:

I request today a favorable report on H.B. 951, *School Systems - Reportable Offenses – Alterations*.

In the summer of 2022, a young autistic woman named Kayla was brutally raped and murdered in Harford County by a juvenile. While the police waited for DNA confirmation to move forward with a conviction charge for the suspect, the juvenile was allowed to return to high school. Due to several State laws prohibiting a chain of communication, no one at the local or school level knew the juvenile was a suspect in a rape and murder case. This meant the teachers, the superintendent, and the school administration were unaware of the juvenile's suspect record and as a result, were unable to proactively institute measures that would ensure the continued safety of all students in the school. As a father of a special needs child enrolled in the Harford County Public Schools, I cannot begin to describe how this worried me when the details of the case came to light. That is why I am here today, joined by Harford County's State's Attorney Alison Healey, Harford County Public Schools' Superintendent Sean Bulson, and Kayla's mom, Tammy, to present H.B. 951.

As I shared earlier, under Maryland law, school systems are not only not notified of a student's status as a suspect, but the student is allowed to attend school while the investigation process proceeds. In both cases, this presents a risk to not only the other students in the school but the juvenile themselves.

To address this, H.B. 951 requires law enforcement agencies to notify the State's Attorney anytime a student is a suspect in a felony or a crime of violence. Once the State's Attorney receives this notification, they are then allowed, not required, but allowed to share that information with the superintendent or their designee. Updating this chain of communication will allow the appropriate school personnel to access pertinent information relevant to the safety of all students in their jurisdiction. Furthermore, it will provide the local educational agency with the tools they need to best serve the juvenile's educational needs in a safe and secure manner while they await adjudication. Had this been allowed with Kayla's case, the appropriate school personnel would have been notified and thus could have taken preemptive measures to ensure the safety for all students while also safeguarding the juvenile's right to an education.

In addition to adding the suspect notification piece, H.B. 951 also updates the list of reportable offenses to include, among other things, the manufacturing and distribution of child pornography if the victim does not have knowledge of or does not consent to such acts. Furthermore, under current law, if a juvenile has been found delinquent of a reportable offense, the law enforcement agency with jurisdiction over the case must provide the delinquent notification to certain school personnel. In the event this notification does not happen for some reason, H.B. 951 provides authorization to the State's Attorney to, at their discretion, share this information with the local superintendent or their designee. With these changes, H.B. 951 closes loopholes in the chain of communication in a manner that is appropriate and discreet.

In closing, I believe we can all agree that our children's safety is paramount and that that is achieved, in part, by having a select group of individuals appropriately notified of specific events, so that they can determine what is best for all students and work to ensure safety is kept the supreme focus.

Thank you.



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Delegate Mike Griffith  
District 35A, Cecil and Harford Counties  
Vice Chair, Maryland Veterans Caucus, Maryland General Assembly-House of Delegates

Attachment:

- Summary of H.B. 951, *School Systems - Reportable Offenses – Alterations*

## Overview

Including institutions and programs of higher education in which a student is enrolled as part of a dual enrollment program in the definition of "school system"; adding certain offenses to the list of offenses a law enforcement agency must report to certain school personnel under certain circumstances; requiring law enforcement agencies to notify the State's Attorney if a student is a suspect in an investigation of certain offenses and if the student no longer is a suspect; etc.

*For edification purposes, a "reportable offense" means an offense that occurred off school premises, did not occur at an event sponsored by the school, and involved a violation of certain offenses from the Criminal Law Article or the Courts Article.*

## Details

### Article – Education, Section 7-303

Changes the term "local school systems" to "school system" and includes in the definition institutions of higher education or higher education programs in which a student is enrolled as part of a **dual enrollment program** (current law: this definition only included schools and school programs under the supervision of the local superintendent).

Updates the Reportable Offense list to include the following:

- Violation of 3-308 of the Criminal Law Article: 4<sup>th</sup> degree sex offense
  - o [2<sup>nd</sup> degree assault is currently a reportable offense and is a lesser included crime]
- Violation of 11-207 of the Criminal Law Article: child pornography if the victim does not have knowledge of or does not consent to the production or distribution of the child pornography
- Violation of 3-902 of the Criminal Law Article: visual surveillance with purient intent
- Violation of 3-1001 of the Criminal Law Article: threats of mass violence
- Violation of 3-802 of the Criminal Law Article: stalking
- Violation of 3-809 of the Criminal Law Article: revenge porn
- Any other act that if committed by an adult would be a felony.

Adds that if a student becomes the **suspect** in an investigation of an act that if committed by an adult would be a felony or a crime of violence, the law enforcement agency overseeing the investigation **shall** provide notice of the suspect determination to the State's Attorney (SA) within 24 hours of the identification (or as soon as practicable).

Adds that upon receiving this notification, the SA **may** notify the local superintendent or their designee (ex: Student Discipline Hearing Officer) within 24 hours (or as soon as practicable) of the notification.

Adds that if the law enforcement agency overseeing the investigation has determined the student is no longer a suspect, that within 24 hours (or as soon as practicable) of that determination, they **shall** notify the SA of this change.

Adds that if the SA had received the initial notification of the suspect determination and shared that determination with the local superintendent or their designee, that the SA **shall** notify them (the local superintendent or their designee) that the student is no longer a suspect within 24 hours (or as soon as practicable) of receiving this update.

Authorizes that the SA **may** provide notification of an arrest for a reportable offense or an offense that is related to a student's membership in a criminal organization, to the local superintendent, the school principal, and the SRO/school security officer **if** the SA has determined that law enforcement did **not** make the required notification.

Updates the currently required report by the Department to the Governor/MGA to include information as reflects the changes in the bill (notably the suspect and dual-enrollment pieces).

Puts the effective date to July 1, 2025.