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POSITION ON PROPOSED LEGISLATION

BILL: House Bill 620 - Primary and Secondary Education - Reportable Offense Alteration

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: February 25, 2025

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on House Bill 620 which would narrow the definition of a reportable offense to only those offenses which are defined as crimes of violence in Section 14-101 of the Criminal Law Article.

The concept of "reportable offenses" was first introduced into Maryland law in 1995 with the intent to provide schools with additional information to maintain safety. At the outset, only a small and focused number of offenses were categorized as reportable offenses¹. However, over time, the law has gradually expanded, with additional offenses being added incrementally. These include offenses related to controlled dangerous substances (1999), destructive devices (1999), threats to join criminal organizations (2005), crimes against public administration (2010), motor vehicle theft (2010), simple assault (2010), malicious destruction (2010), and animal cruelty (2014).

This incremental expansion has resulted in the current definition of "reportable offenses" including over 60 offenses, with many offenses having no clear connection to determining whether a student poses an imminent threat to school safety. As a result, the broad scope of the current law has become increasingly unmanageable, overreaching, and a drain on resources. The current law is also inconsistently applied, creating confusion and leading to uneven notification and enforcement.²

¹ Crimes of violence as defined in Article 27, § 643B of the Criminal Code; crimes outside the jurisdiction of the Juvenile Court as defined in §3-804(E)(4) of Courts and Judicial Proceedings; and various handgun charges.

² See WBFF Fox45 Baltimore, *In Depth: Are all reportable offenses reported to schools as required by law?*
<https://www.youtube.com/watch?v=eREZ5c5YM4c>

What was originally intended as targeted information sharing has evolved into a law that unnecessarily burdens law enforcement, school administrations, and the legal system by mandating reporting for a wide range of offenses that generally have no direct impact on the safety of a student in the school environment. Each notification of a student's arrest requires school officials to gather information, conduct investigations, and sometimes meet with parents and attorneys to determine whether any intervention, such as a safety plan, is necessary or if the student should be removed from school. The expansive reach of the current law diverts valuable time and resources from addressing other pressing concerns, ultimately undermining its effectiveness. House Bill 620 will streamline this process by reducing unnecessary resource use, clarifying reporting requirements for law enforcement, and ensuring that school systems can focus on issues that directly affect safety.

House Bill 620 also takes steps to address current racial disparities. Maryland continues to struggle with the overcriminalization of Black youth, who are disproportionately impacted at every stage of the legal process,³ including reportable offenses.⁴ The Maryland State Department of Education 2023-2024 Reportable Offense data reveals that the current law is inconsistently applied, with Black youth being 4.1 times more likely to be reported to their school for a reportable offense than their white peers.⁵ The Maryland Office of the Public Defender advocates for any opportunity to reduce the exposure of Maryland's youth to harmful bias-based decision-making. By limiting the scope of reportable offenses to crimes of violence, House Bill 620 represents a crucial step in addressing these racial disparities, while still allowing schools to receive relevant information to make informed decisions about student safety.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on House Bill 620.

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

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³ See Governor's Office of Crime Prevention and Policy, Maryland's Racial and Ethnic Disparities Plan for Federal Fiscal Year 2024, https://gocpp.maryland.gov/wp-content/uploads/Final-Draft-FY24-R_ED-Plan.pdf.

⁴ See Maryland State Department of Education, Reportable Offenses Data: Maryland Public Schools, School Year 2023-2024 (Maryland Reportable Offenses Data), 18 (December 30, 2024), [https://dlslibrary.state.md.us/publications/Exec/MSDE/ED7-303\(j\)_2024.pdf](https://dlslibrary.state.md.us/publications/Exec/MSDE/ED7-303(j)_2024.pdf).

⁵ *Id.*