

# HOUSE BILL 165

F1, E4

EMERGENCY BILL

3lr1267

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By: **Delegates Cluster, Afzali, Anderson, Aumann, Bromwell, Conaway, Costa, Eckardt, Elliott, Fisher, Frank, George, Glass, Hershey, Hough, Jacobs, Kach, K. Kelly, Kipke, McComas, McConkey, McDermott, McDonough, W. Miller, Minnick, Mitchell, Myers, Norman, O'Donnell, Ready, Schuh, Schulz, Smigiel, Szeliga, Valentino-Smith, and Weir**

Introduced and read first time: January 18, 2013

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Elementary and Secondary Education – Security – School Resource Officers**

3 FOR the purpose of requiring each county superintendent of schools to enter into an  
4 agreement with an appropriate law enforcement agency to provide a school  
5 resource officer to each public elementary and secondary school; providing that  
6 additional funding required for certain school resource officers shall be paid  
7 from the Education Trust Fund from funds allocated from a certain source;  
8 making this Act an emergency measure; and generally relating to school  
9 resource officers.

10 BY repealing and reenacting, with amendments,  
11 Article – Education  
12 Section 26–102  
13 Annotated Code of Maryland  
14 (2008 Replacement Volume and 2012 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – State Government  
17 Section 9–1A–30  
18 Annotated Code of Maryland  
19 (2009 Replacement Volume and 2012 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article – Education**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 26–102.

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

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

11 (1) Is not a bona fide, currently registered student, or staff or faculty  
12 member at the institution, and who does not have lawful business to pursue at the  
13 institution;

14 (2) Is a bona fide, currently registered student at the institution and  
15 has been suspended or expelled from the institution, for the duration of the suspension  
16 or expulsion; or

17 (3) Acts in a manner that disrupts or disturbs the normal educational  
18 functions of the institution.

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

23 **(D) (1) EACH COUNTY SUPERINTENDENT, AS DEFINED IN § 1–101 OF**  
24 **THIS ARTICLE, SHALL ENTER INTO AN AGREEMENT WITH AN APPROPRIATE LAW**  
25 **ENFORCEMENT AGENCY TO PROVIDE A SCHOOL RESOURCE OFFICER TO EACH**  
26 **PUBLIC INSTITUTION OF ELEMENTARY OR SECONDARY EDUCATION TO CARRY**  
27 **OUT THE RESPONSIBILITIES OF THIS SECTION.**

28 **(2) ANY ADDITIONAL FUNDING REQUIRED BY A LOCAL**  
29 **EDUCATION AGENCY TO MEET THE REQUIREMENTS OF PARAGRAPH (1) OF THIS**  
30 **SUBSECTION THAT EXCEEDS THE AMOUNT PROVIDED IN THAT AGENCY’S FISCAL**  
31 **YEAR 2013 OPERATING BUDGET SHALL BE PAID FROM THE EDUCATION TRUST**  
32 **FUND FROM THE FUNDS ALLOCATED UNDER § 9–1A–27 OF THE STATE**  
33 **GOVERNMENT ARTICLE.**

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

1 (1) The institution is closed; or

2 (2) None of the persons designated in subsection (b) of this section are  
3 present in the buildings or on the grounds of the institution.

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

6 (1) Trespasses on the grounds of any public institution of elementary,  
7 secondary, or higher education;

8 (2) Fails or refuses to leave the grounds of any of these institutions  
9 after being requested to do so by a person designated in subsection (b) of this section  
10 as being authorized to deny access to the buildings or grounds of the institution; or

11 (3) Willfully damages or defaces any building, furnishing, statue,  
12 monument, memorial, tree, shrub, grass, or flower on the grounds of any of these  
13 institutions.

#### 14 Article – State Government

15 9–1A–30.

16 (a) There is an Education Trust Fund which is a special, nonlapsing fund  
17 that is not subject to § 7–302 of the State Finance and Procurement Article.

18 (b) (1) There shall be credited to the Education Trust Fund all proceeds  
19 allocated to the Fund under § 9–1A–27 of this subtitle.

20 (2) Money in the Education Trust Fund shall be invested and  
21 reinvested by the Treasurer, and interest and earnings shall accrue to the Fund.

22 (c) Money in the Education Trust Fund shall be used to:

23 (1) provide funding for public elementary and secondary education,  
24 through continuation of the funding and formulas established under the programs  
25 commonly known as the Bridge to Excellence in Public Schools Act, first enacted by  
26 Chapter 288 of the Acts of the General Assembly of 2002, including the funding for  
27 regional differences in the cost of education under § 5–202(f) of the Education Article;

28 (2) provide funds to construct public school buildings and provide  
29 public school capital improvements in accordance with §§ 5–301 through 5–303 of the  
30 Education Article;

31 (3) provide funds for capital projects at community colleges and public  
32 senior higher education institutions; [and]

1                   (4)     provide funds to expand public early childhood education programs  
2 in the State; AND

3                   **(5)     PROVIDE FUNDS FOR SCHOOL RESOURCE OFFICERS FOR**  
4 **PUBLIC ELEMENTARY AND SECONDARY INSTITUTIONS OF EDUCATION, AS**  
5 **SPECIFIED IN § 26–102(D) OF THE EDUCATION ARTICLE.**

6                   (d)     Expenditures from the Education Trust Fund shall be made each fiscal  
7 year in accordance with the State budget.

8                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
9 measure, is necessary for the immediate preservation of the public health or safety,  
10 has been passed by a yea and nay vote supported by three–fifths of all the members  
11 elected to each of the two Houses of the General Assembly, and shall take effect from  
12 the date it is enacted.