

HOUSE BILL 836

F5

6lr1563

By: **Delegates Arentz, Adams, Aumann, Beitzel, Buckel, Cluster, Fisher, Ghrist, Hornberger, S. Howard, Impallaria, Jacobs, Jalisi, Kipke, Reilly, Saab, Vogt, and West**

Introduced and read first time: February 8, 2016

Assigned to: Judiciary and Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Educational Institutions – Notice of Criminal Activity and Threats to Safety**

3 FOR the purpose of requiring a faculty member, teacher, or certain other employee of a
4 certain educational institution to immediately notify a certain administrator if the
5 individual observes or receives information about certain criminal activity or a
6 certain potential threat; requiring a certain administrator to forward certain
7 information to an appropriate law enforcement agency at a certain time; providing
8 that an individual is not required to provide certain notice in violation of any federal,
9 State, or local law; providing that a certain individual is not subject to liability or
10 disciplinary action arising solely from providing certain notice; defining certain
11 terms; and generally relating to employees of educational institutions providing
12 notice to law enforcement agencies of criminal activity and threats to safety.

13 BY adding to

14 Article – Education

15 Section 27–101 through 27–104 to be under the new title “Title 27. Student Safety”

16 Annotated Code of Maryland

17 (2014 Replacement Volume and 2015 Supplement)

18 BY repealing and reenacting, without amendments,

19 Article – Criminal Law

20 Section 14–101(a)

21 Annotated Code of Maryland

22 (2012 Replacement Volume and 2015 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

24 That the Laws of Maryland read as follows:

25 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



TITLE 27. STUDENT SAFETY.**27-101.**

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "CRIME OF VIOLENCE" HAS THE MEANING STATED IN § 14-101 OF THE CRIMINAL LAW ARTICLE.

(C) (1) "EDUCATIONAL INSTITUTION" MEANS A PRIMARY OR SECONDARY SCHOOL OR AN INSTITUTION OF POSTSECONDARY EDUCATION.

(2) "EDUCATIONAL INSTITUTION" INCLUDES:

(I) PUBLIC SCHOOLS AND INSTITUTIONS; AND

(II) NONPUBLIC SCHOOLS AND INSTITUTIONS THAT RECEIVE STATE FUNDS.

27-102.

(A) SUBJECT TO § 27-103 OF THIS TITLE, A FACULTY MEMBER, TEACHER, OR ANY OTHER EMPLOYEE OF AN EDUCATIONAL INSTITUTION WHO IS RESPONSIBLE FOR SUPERVISING STUDENTS SHALL IMMEDIATELY NOTIFY AN ADMINISTRATOR OF THE EDUCATIONAL INSTITUTION IF THE INDIVIDUAL:

(1) OBSERVES A STUDENT COMMITTING OR EXPRESSING THE INTENT TO COMMIT A CRIME OF VIOLENCE;

(2) RECEIVES INFORMATION ABOUT A STUDENT COMMITTING OR EXPRESSING THE INTENT TO COMMIT A CRIME OF VIOLENCE; OR

(3) RECEIVES INFORMATION OF A POTENTIAL THREAT TO THE SAFETY OF STUDENTS OR STAFF.

(B) IF AN ADMINISTRATOR OF AN EDUCATIONAL INSTITUTION RECEIVES INFORMATION UNDER SUBSECTION (A) OF THIS SECTION, THE ADMINISTRATOR SHALL FORWARD THE INFORMATION TO AN APPROPRIATE LAW ENFORCEMENT AGENCY AS SOON AS PRACTICABLE.

27-103.

1 AN INDIVIDUAL IS NOT REQUIRED TO PROVIDE NOTICE UNDER § 27-102 OF
2 THIS TITLE IN VIOLATION OF ANY FEDERAL, STATE, OR LOCAL LAW.

3 27-104.

4 AN INDIVIDUAL ACTING IN GOOD FAITH IS NOT SUBJECT TO LIABILITY OR
5 DISCIPLINARY ACTION, INCLUDING DISMISSAL, ARISING SOLELY FROM PROVIDING
6 NOTICE IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE.

7 Article – Criminal Law

8 14-101.

9 (a) In this section, “crime of violence” means:

- 10 (1) abduction;
- 11 (2) arson in the first degree;
- 12 (3) kidnapping;
- 13 (4) manslaughter, except involuntary manslaughter;
- 14 (5) mayhem;
- 15 (6) maiming, as previously proscribed under former Article 27, §§ 385 and
16 386 of the Code;
- 17 (7) murder;
- 18 (8) rape;
- 19 (9) robbery under § 3-402 or § 3-403 of this article;
- 20 (10) carjacking;
- 21 (11) armed carjacking;
- 22 (12) sexual offense in the first degree;
- 23 (13) sexual offense in the second degree;
- 24 (14) use of a handgun in the commission of a felony or other crime of
25 violence;

- 1 (15) child abuse in the first degree under § 3–601 of this article;
- 2 (16) sexual abuse of a minor under § 3–602 of this article if:
- 3 (i) the victim is under the age of 13 years and the offender is an
4 adult at the time of the offense; and
- 5 (ii) the offense involved:
- 6 1. vaginal intercourse, as defined in § 3–301 of this article;
- 7 2. a sexual act, as defined in § 3–301 of this article;
- 8 3. an act in which a part of the offender’s body penetrates,
9 however slightly, into the victim’s genital opening or anus; or
- 10 4. the intentional touching, not through the clothing, of the
11 victim’s or the offender’s genital, anal, or other intimate area for sexual arousal,
12 gratification, or abuse;
- 13 (17) an attempt to commit any of the crimes described in items (1) through
14 (16) of this subsection;
- 15 (18) continuing course of conduct with a child under § 3–315 of this article;
- 16 (19) assault in the first degree;
- 17 (20) assault with intent to murder;
- 18 (21) assault with intent to rape;
- 19 (22) assault with intent to rob;
- 20 (23) assault with intent to commit a sexual offense in the first degree; and
- 21 (24) assault with intent to commit a sexual offense in the second degree.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
23 1, 2016.