

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 84

(Delegate Ruth, *et al.*)

Ways and Means

Education, Health, and Environmental Affairs

Education – Crimes on School Grounds – Application

This bill establishes that specified prohibitions against disruptive, violent, or threatening behavior on the grounds of institutions of elementary, secondary, or higher education or at school-sponsored events do not apply to (1) students attending a school where the offense occurs; (2) students on exclusionary discipline from the school; or (3) a student attending another institution who is participating in a sporting event or other extracurricular event sponsored by the school where the offense occurs. As a result, those students are not subject to the criminal penalties in current law that apply to the prohibited offenses. **The bill takes effect July 1, 2022.**

Fiscal Summary

State Effect: Reduced application of existing penalty provisions is not expected to have a material effect on State revenues or expenditures. Any reduction in the caseload of the District Court has no material effect on its operations or expenditures. The bill may have an operational effect on the ability of State institutions of higher education to address disruptive behavior.

Local Effect: Reduced application of existing penalty provisions is not expected to have a material effect on local revenues or expenditures. The bill may have an operational effect on the ability of local school systems and community colleges to address disruptive behavior in public schools and on college campuses.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: Under the bill, the following provisions in current law do *not* apply to the students described above:

- a person may not willfully disturb or otherwise willfully prevent the orderly conduct of the activities, administration, or classes of any institution of elementary, secondary, or higher education;
- a person may not molest or threaten with bodily harm any student, employee, administrator, agent, or any other individual who is (1) lawfully on the grounds or in the immediate vicinity of any educational institution; (2) on a school vehicle; (3) at an activity sponsored by a school that is held off of school property; or (4) on property that is owned by a local school system and is used for administrative or other purposes; and
- a person may not threaten with bodily harm any employee of an educational institution at home by any means, including in person, by telephone, or by electronic mail. This prohibition relates only to the employee's employment.

In addition to other penalties allowed in law, a circuit court may issue an injunction restraining any specific activities that violate these provisions.

Under current law, any person who violates any of these provisions is guilty of a misdemeanor and on conviction is subject to a fine up to \$2,500, imprisonment up to six months, or both. However, under the bill, these penalties do not apply to students described above.

Additional Comment: The bill affects nonpublic elementary, secondary, and higher education institutions in the same manner that public institutions are affected.

Additional Information

Prior Introductions: HB 700 of 2021 passed the House and received a hearing from the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken on the bill.

Designated Cross File: SB 119 (Senator Washington) - Education, Health, and Environmental Affairs.

Information Source(s): Judiciary (Administrative Office of the Courts); Maryland State Department of Education; Maryland School for the Deaf; St. Mary's College of Maryland; Maryland Center for School Safety; Department of State Police; Baltimore City Public School; Department of Legislative Services

Fiscal Note History: First Reader - January 19, 2022
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