

HOUSE BILL 1114

F1, F2, F5
SB 119/22 – EHE

3lr2329

By: **Delegates Ruth, Amprey, Boaf, Boyce, Charkoudian, Crutchfield, Feldmark, Hill, R. Lewis, Moon, Pasteur, Phillips, Stewart, Terrasa, and Wilkins**
Introduced and read first time: February 10, 2023
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Prohibited Behavior on School Grounds and Property – Application**

3 FOR the purpose of specifying that provisions of law prohibiting and penalizing certain
4 disruptive and threatening behavior on certain school grounds and property do not
5 apply to students who commit offenses at the institution they attend or students who
6 commit offenses at another institution while participating in or attending a sporting
7 event or other extracurricular program sponsored at that institution; and generally
8 relating to the application of provisions of law that prohibit and penalize disruptive
9 and threatening behavior on school grounds and property.

10 BY repealing and reenacting, with amendments,
11 Article – Education
12 Section 26–101
13 Annotated Code of Maryland
14 (2022 Replacement Volume)

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

17 **Article – Education**

18 26–101.

19 (a) **THE PROHIBITIONS AND PENALTIES IN THIS SECTION DO NOT APPLY TO**
20 **A PERSON WHO IS:**

21 **(1) A STUDENT CURRENTLY ATTENDING THE INSTITUTION OF**
22 **ELEMENTARY, SECONDARY, OR HIGHER EDUCATION WHERE THE OFFENSE OCCURS;**
23 **OR**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) A STUDENT CURRENTLY ATTENDING ANOTHER INSTITUTION OF**
2 **ELEMENTARY, SECONDARY, OR HIGHER EDUCATION WHO IS PARTICIPATING IN OR**
3 **ATTENDING A SPORTING EVENT OR OTHER EXTRACURRICULAR PROGRAM**
4 **SPONSORED BY THE INSTITUTION WHERE THE OFFENSE OCCURS.**

5 **(B)** A person may not willfully disturb or otherwise willfully prevent the orderly
6 conduct of the activities, administration, or classes of any institution of elementary,
7 secondary, or higher education.

8 **[(b)] (C)** A person may not molest or threaten with bodily harm any student,
9 employee, administrator, agent, or any other individual who is lawfully:

10 (1) On the grounds or in the immediate vicinity of any institution of
11 elementary, secondary, or higher education;

12 (2) On a school vehicle;

13 (3) At an activity sponsored by a school that is held off school property; or

14 (4) On property that is owned by a county board and is used for
15 administrative or other purposes.

16 **[(c)] (D) (1) [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A**
17 **person may not threaten with bodily harm any employee of any institution of elementary,**
18 **secondary, or higher education at home by any means, including in person, by telephone,**
19 **or by electronic mail.**

20 **(2) [This] THE prohibition IN PARAGRAPH (1) OF THIS SUBSECTION**
21 **applies only to threats arising out of the scope of the employee's employment.**

22 **[(d)] (E)** In addition to the penalties provided in this section or in § 6–409 of the
23 Criminal Law Article, on application by the governing board of any institution of
24 elementary, secondary, or higher education, the circuit court of the county in which the
25 institution is located may issue an injunction restraining any specific activities that violate
26 this section.

27 **[(e)] (F)** Any person who violates any provision of this section is guilty of a
28 misdemeanor and on conviction is subject to a fine not exceeding \$2,500, imprisonment not
29 exceeding 6 months, or both.

30 **[(f)] (G) (1)** On or before December 1, 2022, and each December 1 thereafter,
31 each county board of education, including the Baltimore City Board of School
32 Commissioners, shall report to the Department on the number of school disruptions in the
33 county in violation of this section for the immediately preceding school year.

1 (2) A county board shall report the information required under paragraph
2 (1) of this subsection in the following manner:

3 (i) The disruptions shall be sorted into the following categories:

- 4 1. Attendance;
- 5 2. Arson, fire, or explosives;
- 6 3. Dangerous substances;
- 7 4. Sex offenses; and
- 8 5. Attack with a weapon, threats, or fighting; and

9 (ii) Each incident of disruption shall be disaggregated by:

- 10 1. The race, ethnicity, disability status, and gender of the
11 individual;
- 12 2. The actions taken against an individual by the local school
13 or county board resulting from a violation, including suspensions of fewer than 10 days,
14 suspensions of 10 days or more, and expulsions; and
- 15 3. Referrals for prosecution.

16 (3) On or before February 1, 2023, and each February 1 thereafter, the
17 Department shall submit to the Maryland Center for School Safety and, in accordance with
18 § 2-1257 of the State Government Article, the General Assembly a report on incidents of
19 school disruptions in public schools in the State from a compilation of the reports submitted
20 to the Department under paragraph (1) of this subsection and disaggregated in the manner
21 required under paragraph (2) of this subsection.

22 (4) Each county board shall include information on school disruptions from
23 the 2018–2019 and 2019–2020 school years in its report to the Department for the report
24 due on December 1, 2022.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
26 1, 2023.