

HOUSE BILL 951

F1, E2

5lr0874

By: **Delegates Griffith, Buckel, Pippy, and Reilly**

Introduced and read first time: January 31, 2025

Assigned to: Ways and Means and Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **School Systems – Reportable Offenses – Alterations**

3 FOR the purpose of including institutions and programs of higher education in which a
4 student is enrolled as part of a dual enrollment program in the definition of “school
5 system”; adding certain offenses to the list of offenses a law enforcement agency must
6 report to certain school personnel under certain circumstances; requiring law
7 enforcement agencies to notify the State’s Attorney if a student is a suspect in an
8 investigation of certain offenses and if the student no longer is a suspect; authorizing
9 the State’s Attorney to notify the local superintendent or the superintendent’s
10 designee if the student is a suspect in an investigation of certain offenses; requiring
11 the State’s Attorney to notify the local superintendent or the superintendent’s
12 designee if a student is no longer a suspect in certain investigations; expanding a
13 certain reporting requirement to include instances when a student is identified as a
14 suspect for certain offenses; authorizing State’s Attorneys to make a certain
15 notification if a student is arrested for certain offenses; and generally relating to
16 reportable offenses in school systems.

17 BY repealing and reenacting, with amendments,
18 Article – Education
19 Section 7–303
20 Annotated Code of Maryland
21 (2022 Replacement Volume and 2024 Supplement)

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

24 **Article – Education**

25 7–303.

26 (a) (1) In this section the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) “Criminal organization” has the meaning stated in § 9–801 of the
2 Criminal Law Article.

3 (3) “Law enforcement agency” means the law enforcement agencies listed
4 in § 1–101(c) of the Public Safety Article.

5 [(4) “Local school system” means the schools and school programs under the
6 supervision of the local superintendent.]

7 [(5)] (4) “Local superintendent” means:

8 (i) The county superintendent, for the county in which a student is
9 enrolled, or a designee of the superintendent, who is an administrator; or

10 (ii) The superintendent of schools for the:

- 11 1. Archdiocese of Baltimore;
- 12 2. Archdiocese of Washington; and
- 13 3. Catholic Diocese of Wilmington.

14 [(6)] (5) “Reportable offense” means an offense that:

15 (i) Occurred off school premises;

16 (ii) Did not occur at an event sponsored by the school; and

17 (iii) Involved any of the following:

18 1. A crime of violence, as defined in § 14–101 of the Criminal
19 Law Article;

20 2. Any of the offenses enumerated in § 3–8A–03(e)(4) of the
21 Courts Article;

22 3. A violation of § 4–101, § 4–102, § 4–203, or § 4–204 of the
23 Criminal Law Article;

24 4. A violation of § 5–602, § 5–603, § 5–604, § 5–605, § 5–606,
25 § 5–607, § 5–608, § 5–608.1, § 5–609, § 5–612, § 5–613, § 5–614, § 5–617, § 5–618, § 5–627,
26 or § 5–628 of the Criminal Law Article;

27 5. A violation of § 4–503, § 9–504, or § 9–505 of the Criminal
28 Law Article;

- 1 Criminal Law Article;
- 2
- 3
- 4 Article;
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- 8 Law Article;
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- 13 **ARTICLE;**
- 14
- 15 **15. A VIOLATION OF § 11-207 OF THE CRIMINAL LAW**
- 16 **ARTICLE, IF THE VICTIM DOES NOT HAVE KNOWLEDGE OF OR DOES NOT CONSENT**
- 17 **TO THE PRODUCTION OR THE DISTRIBUTION OF THE CHILD PORNOGRAPHY;**
- 18
- 19 **16. A VIOLATION OF § 3-902 OF THE CRIMINAL LAW**
- 20 **ARTICLE;**
- 21
- 22 **17. A VIOLATION OF § 3-1001 OF THE CRIMINAL LAW**
- 23 **ARTICLE;**
- 24
- 25 **18. A VIOLATION OF § 3-802 OF THE CRIMINAL LAW**
- 26 **ARTICLE; OR**
- 27 **19. A VIOLATION OF § 3-809 OF THE CRIMINAL LAW**
- 28 **20. ANY OTHER ACT THAT IF COMMITTED BY AN ADULT**
WOULD BE A FELONY.

27 **[(7)] (6)** “School principal” means the principal of the public or nonpublic
 28 school in which a student is enrolled, or a designee of the principal, who is an administrator.

1 ~~[(8)]~~ (7) (i) “School security officer” includes a school principal,
2 another school administrator, a law enforcement officer, or other individual employed by a
3 [local] school system or a local government who is designated by the county superintendent
4 or a school principal to help maintain the security and safety of a school.

5 (ii) “School security officer” does not include a teacher.

6 (8) “SCHOOL SYSTEM” MEANS:

7 (I) THE SCHOOLS AND SCHOOL PROGRAMS UNDER THE
8 SUPERVISION OF THE LOCAL SUPERINTENDENT; AND

9 (II) THE INSTITUTION OF HIGHER EDUCATION OR HIGHER
10 EDUCATION PROGRAM IN WHICH A STUDENT IS ENROLLED AS PART OF A DUAL
11 ENROLLMENT PROGRAM.

12 (9) “Student” means an individual enrolled in a public school system or
13 nonpublic school in the State who is 5 years of age or older and under 22 years of age.

14 (b) (1) IF A STUDENT IS THE SUSPECT IN AN INVESTIGATION OF AN ACT
15 THAT IF COMMITTED BY AN ADULT WOULD BE A FELONY OR CRIME OF VIOLENCE,
16 THE LAW ENFORCEMENT AGENCY CONDUCTING THE INVESTIGATION SHALL NOTIFY
17 THE STATE’S ATTORNEY OF THE INVESTIGATION WITHIN 24 HOURS OF THE
18 IDENTIFICATION OF THE STUDENT AS A SUSPECT OR AS SOON AS PRACTICABLE.

19 (2) ON NOTIFICATION UNDER PARAGRAPH (1) OF THIS SUBSECTION,
20 THE STATE’S ATTORNEY MAY NOTIFY THE LOCAL SUPERINTENDENT OR THE
21 SUPERINTENDENT’S DESIGNEE WITHIN 24 HOURS OF THE NOTIFICATION OR AS
22 SOON AS PRACTICABLE.

23 (3) IF NOTIFICATION HAS BEEN MADE UNDER PARAGRAPH (1) OF
24 THIS SUBSECTION AND THE LAW ENFORCEMENT AGENCY DETERMINES THAT THE
25 STUDENT IS NO LONGER A SUSPECT IN THE INVESTIGATION, WITHIN 24 HOURS OF
26 MAKING THE DETERMINATION, THE LAW ENFORCEMENT AGENCY SHALL NOTIFY
27 THE STATE’S ATTORNEY THAT THE STUDENT IS NO LONGER A SUSPECT.

28 (4) IF THE STATE’S ATTORNEY IS NOTIFIED UNDER PARAGRAPH (3)
29 OF THIS SUBSECTION AND HAD PREVIOUSLY NOTIFIED THE LOCAL
30 SUPERINTENDENT OR SUPERINTENDENT’S DESIGNEE UNDER PARAGRAPH (2) OF
31 THIS SUBSECTION, THE STATE’S ATTORNEY SHALL NOTIFY THE LOCAL
32 SUPERINTENDENT OR THE SUPERINTENDENT’S DESIGNEE THAT THE STUDENT IS NO
33 LONGER A SUSPECT WITHIN 24 HOURS OF RECEIVING THE NOTIFICATION OR AS
34 SOON AS PRACTICABLE.

1 **(C) (1)** If a student is arrested for a reportable offense or an offense that is
2 related to the student's membership in a criminal organization, the law enforcement agency
3 making the arrest:

4 **[(1)] (I)** Shall notify the following individuals of the arrest and the
5 charges within 24 hours of the arrest or as soon as practicable:

6 **[(i)] 1.** The local superintendent;

7 **[(ii)] 2.** The school principal; and

8 **[(iii)] 3.** For a school that has a school security officer, the school
9 security officer; and

10 **[(2)] (II)** May notify the State's Attorney of the arrest and charges.

11 **(2) IF THE STATE'S ATTORNEY DETERMINES THAT NOTIFICATION**
12 **WAS NOT MADE BY A LAW ENFORCEMENT AGENCY UNDER PARAGRAPH (1) OF THIS**
13 **SUBSECTION, THE STATE'S ATTORNEY MAY PROVIDE THE NOTIFICATION.**

14 **[(c)] (D)** The State's Attorney shall promptly notify either the local
15 superintendent or the school principal of the disposition of the reportable offense required
16 to be reported under subsection **[(b)] (C)** of this section.

17 **[(d)] (E)** Except by order of a juvenile court or other court upon good cause
18 shown, the information obtained by an individual pursuant to subsections (b) **[and], (c),**
19 **AND (D)** of this section:

20 (1) Is confidential and may not be redisclosed by subpoena or otherwise
21 except as provided pursuant to subsections **[(e) and] (f) AND (G)** of this section; and

22 (2) May not be made part of the student's permanent educational record.

23 **[(e)] (F)** (1) Notwithstanding the provisions of subsection **[(d)] (E)** of this
24 section, nothing shall prohibit a local superintendent or school principal from transmitting
25 the information obtained pursuant to subsections (b) **[and], (c), AND (D)** of this section as
26 a confidential file to the local superintendent of another public school system in the State
27 or another nonpublic school in the State in which the student has enrolled or been
28 transferred in order to carry out the purposes of this section if the disposition of the
29 reportable offense was a conviction or an adjudication of delinquency or the criminal charge
30 or delinquency petition is still pending.

31 (2) A local superintendent or school principal who transmits information
32 about a student under this subsection shall include in the transmittal information
33 regarding any educational programming and related services provided to the student.

1 **[(f)] (G)** The State Board shall adopt regulations to ensure that information
2 obtained by a local superintendent, a school principal, or a school security officer under
3 subsections (b), (c), **(D)**, and **[(e)] (F)** of this section is:

4 (1) Used to provide appropriate educational programming and related
5 services to the student and to maintain a safe and secure school environment for students
6 and school personnel;

7 (2) Transmitted only to school personnel of the school in which the student
8 is enrolled as necessary to carry out the purposes set forth in item (1) of this subsection;
9 and

10 (3) Destroyed when the student graduates or otherwise permanently
11 leaves school or turns 22 years old, whichever occurs first.

12 **[(g)] (H)** (1) Except as otherwise provided in paragraph (2) of this subsection,
13 the local superintendent and the school principal shall consider prohibiting a student who
14 is arrested for a reportable offense involving rape or a sexual offense from attending the
15 same school or riding on the same school bus as the alleged victim of the reportable offense
16 if such action is necessary or appropriate to protect the physical or psychological well-being
17 of the alleged victim.

18 (2) If a student is arrested for a reportable offense involving rape or a
19 sexual offense and is convicted of or adjudicated delinquent for the rape or sexual offense,
20 the student may not attend the same school or ride on the same school bus as the victim.

21 **[(h)] (I)** Nothing in this section is intended to limit the manner in which a local
22 school obtains information or uses information obtained by any lawful means other than
23 that set forth in subsections (b), (c), **(D)**, and **[(e)] (F)** of this section.

24 **[(i)] (J)** Each public school that enrolls students in grades six through twelve in
25 the State shall designate at least one school security officer.

26 **[(j)] (K)** (1) On or before December 30 each year, the Department, in
27 accordance with State and federal privacy laws, shall submit to the Governor and, in
28 accordance with § 2–1257 of the State Government Article, the General Assembly a report
29 that includes the following information about each reportable offense for which a local
30 school received information under **[subsection] SUBSECTIONS (b) AND (C)** of this section
31 in the preceding school year:

32 (i) The nature of the reportable offense;

33 (ii) Verification that the offense occurred off school premises;

1 (iii) Action taken by the local school and county board after being
2 notified of the reportable offense **OR THE IDENTIFICATION OF A STUDENT AS A**
3 **SUSPECT**;

4 (iv) The race, ethnicity, gender, and disability status of the student
5 arrested for the reportable offense **OR IDENTIFIED AS A SUSPECT**;

6 (v) The grade of the student arrested for the reportable offense **OR**
7 **IDENTIFIED AS A SUSPECT**;

8 (vi) The regular school program **OR APPLICABLE DUAL**
9 **ENROLLMENT PROGRAM** of the student arrested for the reportable offense **OR**
10 **IDENTIFIED AS A SUSPECT**;

11 (vii) Whether the student's regular school program **OR APPLICABLE**
12 **DUAL ENROLLMENT PROGRAM** was altered as a result of the reportable offense **OR**
13 **IDENTIFICATION OF THE STUDENT AS A SUSPECT**;

14 (viii) If the student was removed from the student's regular school
15 program **OR APPLICABLE DUAL ENROLLMENT PROGRAM** as a result of the reportable
16 offense **OR THE IDENTIFICATION OF THE STUDENT AS A SUSPECT**:

17 1. The amount of time during which the student was
18 removed; and

19 2. The student's placement and educational programming
20 during the period of removal; and

21 (ix) If removed from the student's regular school program **OR**
22 **APPLICABLE DUAL ENROLLMENT PROGRAM**, the student's academic performance
23 during the time period the student was removed, including attendance, grades, and
24 standardized test scores, and any additional disciplinary actions.

25 (2) Each county board and public school shall provide the Department with
26 any information necessary to issue its report in accordance with this section.

27 **[(k)] (L)** If a student is removed or excluded from the student's regular school
28 program **OR APPLICABLE DUAL ENROLLMENT PROGRAM** for a reportable offense **OR**
29 **IDENTIFICATION AS A SUSPECT**, the principal or county superintendent shall invite the
30 student's attorney, if the student has an attorney, to participate in the conference between
31 the student or the student's parent or guardian and the principal or county superintendent,
32 and the manifestation determination review, if applicable.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
34 1, 2025.