

BILL: Senate Bill 13
TITLE: Juveniles – Reportable Offenses
POSITION: SUPPORT
DATE: March 21, 2019
COMMITTEE: Judiciary Committee
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The Maryland Association of Boards of Education (MABE) supports Senate Bill 13 because it is needed to ensure that the Department of Juvenile Services (DJS) communicate with local school systems by transmitting information relating to a student having been arrested for a reportable criminal offense.

The reportable offense statute ensures that school systems benefit immediately from information provided by law enforcement agencies and State’s Attorney’s offices regarding the arrest of students for certain crimes and the disposition of such charges. Reportable offenses include an extensive list of crimes of violence, sexual offenses, and weapon and drug offenses. (See attached list.)

MABE believes that passage of Senate Bill 13 will help ensure that school administrators are provided with the appropriate information from DJS regarding a student’s reportable arrest record. This information may play a pivotal role in assisting the school system in meeting the educational and behavioral needs of the student transferred from DJS, as well as assisting the school system in making educationally appropriate decisions in the best interests and safety of all students.

Under current law, upon receipt of information of an arrest of a student for a reportable offense, the superintendent must provide the principal of the school in which the student is enrolled with the arrest information, including the charges. Upon the recommendation of the principal of the school attended by the student charged with a reportable offense, the superintendent may assign the student to an alternative education placement. In addition the student may be disciplined. However, whether a student may be disciplined by the school for conduct off school premises, including arrest for reportable offenses, is based on evidence that the student’s involvement in the offense and the student’s presence in school has a direct effect on the order and general welfare of the school.

The reportable offense statute also requires that school superintendents respond to notices of a reportable offence by providing appropriate educational programming and related services to the student committing the offense and to maintain a safe school environment. State Board of Education regulations adopted in accordance with the statute further require that the superintendent promptly notify the school principal, who must in turn meet with staff to immediately develop a plan that addresses the student’s educational needs while ensuring school safety (COMAR 13A.08.01.17).

The Safe Schools Act of 2010 added the requirements that law enforcement contact the superintendent, principal and school security officer and that this transmitted information be destroyed by the school system when the student graduates or otherwise permanently leaves the school or turns 22, whichever occurs first. Legislation enacted in 2011 directed the Maryland State Department of Education and the Department of Juvenile Services to work cooperatively and authorizes them to “share education records with each other when necessary to ensure the appropriate delivery of services” (Senate Bill 62, Chapter 16, 2011 Laws of Maryland; amending § 22-209 of the Education Article). Passing Senate Bill 13 with further advance the seamless communication between state agencies and local school systems toward the goal of better serving students.

For these reasons, MABE requests a favorable report on Senate Bill 13.

What are the mandated reportable offenses?

The following crimes are defined in the Criminal Law (CR) Article or Public Safety (PS) Article and cross-referenced in § 7-303 of the Education Article as mandated reportable offenses which must be reported by local law enforcement agencies to school officials upon the arrest of a student:

<ul style="list-style-type: none"> • First degree murder (CR 2-201) • Second degree murder (CR 2-204) • Manslaughter (CR 2-207(a)) • Mayhem • Maiming, as previously proscribed under former Article 27 • First degree assault (CR 3-202) • Second degree assault (CR 3-203) • First degree rape (CR 3-303) • Second degree rape (CR 3-304) • First degree sexual offense (CR 3-305) • Second degree sexual offense (CR 3-306) • Third degree sexual offense (CR 3-307) • Robbery (CR 3-402) • Robbery with a dangerous or deadly weapon (CR 3-403) • Carjacking (CR 3-405(b)(1)) • Armed carjacking (CR 3-405(c)(1)) • Kidnapping (CR 3-502) • Abduction (CR 3-503) • Carrying or wearing a concealed weapon (CR 4-101) • Carrying or wearing a concealed weapon on school property (CR 4-102) • Wearing, carrying, or transporting a handgun; unlawful use in the commission of a crime (CR 4-203) • Using an antique firearm capable of being concealed on the person or any handgun in the commission of an act of violence (CR 4-204) • A crime using assault weapons (CR 4-303) • Sale, transfer, etc. of a stolen pistol (CR 4-305/CR 4-306) • Restrictions on sale, transfer, and possession of pistols and revolvers (CR 4-306(b)(1)) • Use of a machine gun for crime (CR 4-404) • Use of a machine gun for aggressive purpose (CR 4-405(a)) • Manufacturing, possessing destructive devices or explosives (CR 4-503) 	<ul style="list-style-type: none"> • Possess with intent to distribute a non-controlled substance that the person represents as a controlled dangerous substance (CR 5-617) • Possess or purchase a non-controlled substance that the person believes is a controlled dangerous substance (CR 5-618) • Using firearms in drug-trafficking crimes (CR 5-621(b)(1)) • Manufacturing, distributing or dispensing CDS; possession of CDS in a quantity indicative of an intent to manufacture, distribute, or dispense in violation of § 5-602, or conspire to commit any of these crimes in a school vehicle, or in, on, or within 1,000 feet of real property owned by or leased to an elementary school, secondary school, or county board and used for elementary or secondary education (CR 5-627) • Engaging a minor to manufacture, distribute or dispense CDS in a sufficient quantity to indicate intent to distribute the CDS (CR 5-628) • Arson (CR 6-102, 103, 104 and 105) • First Degree Burglary (CR 6-202) • Willfully and maliciously destroying, injuring, or defacing the real or personal property of another, including graffiti (CR 6-301) • Taking of a motor vehicle without the owner's consent (CR 7-105) • Harming, threatening, or destroying the property of another to influence a victim or witness to testify falsely or withhold testimony (CR 9-302) • Retaliating against a witness or victim (CR 9-303) • Using threat, force, or corrupt means to try to influence, intimidate, or impede a juror, witness, or officer of a court (CR 9-305) • Making a false bomb threat (CR 9-504)
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<ul style="list-style-type: none">• Sale of firearms (PS 5-106)• Possession of a regulated firearm by a prohibited person (PS 5-133)• Selling/transferring a regulated firearm to a prohibited person (PS 5-134)• Possession, sale, transfer, or disposal of a stolen regulated firearm (PS 5-138)• Knowingly manufacture, transport, possess, control, store, sell, distribute, or use a destructive or explosive device (CR 4-503)• A crime using short-barreled rifles and short-barreled shotguns (PS 5-203(a))• Manufacturing, distributing or dispensing a controlled dangerous substances (CDS) (CR 5-602)• Manufacturing, distributing or possessing equipment to render a drug a counterfeit substance (CR 5-604)• Maintaining a common nuisance (CR 5-605)• False prescription for a CDS with intent to distribute the controlled dangerous substance (CR 5-606)	<ul style="list-style-type: none">• Manufacturing, possessing, transporting or placing a device or container labeled as representing a toxic material with intent to terrorize or threaten (CR 9-505)• Threatening an individual, or a friend or family member of an individual, with physical violence with the intent to coerce, induce, or solicit the individual to participate in or prevent the individual from leaving a criminal gang (CR 9-802 and 803)• Animal Cruelty (CR 10-606)• Crimes of violence (CR 14-101)• Any of the offenses enumerated in 3–8A–03(d)(4) of the Courts Article
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