

HOUSE BILL 1371

F1

0lr3114

By: **Delegates George, Bartlett, Boteler, Cardin, Doory, Howard, Kaiser, Murphy, Myers, Shank, Stukes, and F. Turner**
Introduced and read first time: February 18, 2010
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools – Student Gang Activity – Records and Reporting**

3 FOR the purpose of requiring certain public schools to maintain certain records of
4 certain individuals determined to be school gang members and certain related
5 incidents; requiring a certain record to include certain information; requiring a
6 certain record of a certain public school student to be a part of the student's
7 permanent school record and to be reported to certain teachers; requiring
8 certain records to be reported to a law enforcement unit under certain
9 circumstances; defining certain terms; and generally relating to records and
10 reporting of public school student gang activity.

11 BY adding to

12 Article – Education

13 Section 7–424.2

14 Annotated Code of Maryland

15 (2008 Replacement Volume and 2009 Supplement)

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

18 **Article – Education**

19 **7–424.2.**

20 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
21 **MEANINGS INDICATED.**

22 **(2) “SCHOOL GANG MEMBER” MEANS AN INDIVIDUAL WHO, AS**
23 **DETERMINED BY A PUBLIC SCHOOL OFFICIAL:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (I) IS A PART OF A PUBLIC SCHOOL ENVIRONMENT:

2 1. AS A STUDENT ENROLLED IN A PUBLIC SCHOOL;

3 2. AS A PARTICIPANT OF OR BY MAINTAINING A
4 REGULAR PRESENCE AT ACTIVITIES AT A PUBLIC SCHOOL OR SPONSORED BY A
5 PUBLIC SCHOOL;

6 3. BY MAINTAINING A REGULAR PRESENCE ON
7 PUBLIC SCHOOL PROPERTY OR REGULARLY CONGREGATING ON PROPERTY
8 WITHIN 1,000 FEET OF A PUBLIC SCHOOL; OR

9 4. BY RIDING IN ANY SCHOOL VEHICLE; AND

10 (II) HAS, IN CONJUNCTION WITH ONE OR MORE
11 INDIVIDUALS ON TWO OR MORE SEPARATE OCCASIONS, WHILE ON PUBLIC
12 SCHOOL PROPERTY, AT A PUBLIC SCHOOL ACTIVITY OR EVENT, OR ON A SCHOOL
13 VEHICLE:

14 1. COMMITTED PHYSICAL VIOLENCE OR
15 THREATENED TO COMMIT PHYSICAL VIOLENCE AGAINST ANOTHER INDIVIDUAL;

16 2. ACTED DISORDERLY OR DISRUPTIVE TO THE
17 EDUCATIONAL ENVIRONMENT OR AT A PUBLIC SCHOOL ACTIVITY OR EVENT;

18 3. APPLIED GRAFFITI TO PUBLIC SCHOOL
19 PROPERTY OR A SCHOOL VEHICLE; OR

20 4. BEEN FOUND TO POSSESS WEAPONS, DRUGS,
21 ALCOHOL, OR OTHER ITEMS PROHIBITED ON PUBLIC SCHOOL PROPERTY OR
22 SCHOOL VEHICLES.

23 (3) "SCHOOL VEHICLE" HAS THE MEANING INDICATED IN §
24 11-154 OF THE TRANSPORTATION ARTICLE.

25 (B) (1) A PUBLIC SCHOOL SHALL MAINTAIN A RECORD OF EACH
26 INDIVIDUAL A PUBLIC SCHOOL OFFICIAL HAS DETERMINED TO BE A SCHOOL
27 GANG MEMBER AND THE INCIDENT THAT PRECIPITATED THE DETERMINATION.

28 (2) THE RECORD REQUIRED UNDER PARAGRAPH (1) OF THIS
29 SUBSECTION SHALL INCLUDE:

30 (I) THE NAME OF THE INDIVIDUAL;

1 **(II) THE NAMES OF THE OTHER INDIVIDUALS WITH WHOM**
2 **THE INDIVIDUAL WAS ACTING;**

3 **(III) THE NAME OF THE PUBLIC SCHOOL OFFICIAL MAKING**
4 **THE DETERMINATION;**

5 **(IV) THE DATE OF THE OBSERVED INCIDENT;**

6 **(V) THE LOCATION WHERE THE INCIDENT OCCURRED;**

7 **(VI) A NARRATIVE DESCRIPTION OF THE OBSERVED**
8 **INCIDENT; AND**

9 **(VII) ANY OTHER RELEVANT INFORMATION.**

10 **(C) (1) IF AN INDIVIDUAL IDENTIFIED AS A SCHOOL GANG MEMBER IS**
11 **A STUDENT ENROLLED IN A PUBLIC SCHOOL, THE RECORD RELATING TO THE**
12 **INDIVIDUAL MADE UNDER SUBSECTION (B) OF THIS SECTION:**

13 **(I) SHALL BE:**

14 **1. A PART OF THE INDIVIDUAL'S PERMANENT**
15 **SCHOOL RECORD; AND**

16 **2. REPORTED TO EACH OF THE INDIVIDUAL'S**
17 **TEACHERS; AND**

18 **(II) MAY BE REPORTED TO A LAW ENFORCEMENT UNIT.**

19 **(2) IF AN INDIVIDUAL IDENTIFIED AS A SCHOOL GANG MEMBER IS**
20 **NOT A STUDENT ENROLLED IN A PUBLIC SCHOOL, THE RECORD RELATING TO**
21 **THE INDIVIDUAL MADE UNDER SUBSECTION (B) OF THIS SECTION SHALL BE**
22 **REPORTED TO A LAW ENFORCEMENT UNIT.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 July 1, 2010.