

Department of Legislative Services  
Maryland General Assembly  
2010 Session

FISCAL AND POLICY NOTE

House Bill 1371  
Ways and Means

(Delegate George, *et al.*)

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Public Schools - Student Gang Activity - Records and Reporting

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This bill requires a public school to maintain a record of each individual a public official has determined to be a school gang member and the incident that precipitated the determination. If an individual identified as a school gang member is a student enrolled in a public school, the record must be part of the individual's permanent school record and reported to each of the individual's teachers. In addition, it may be reported to a law enforcement unit. If an individual identified as a school gang member is not a student enrolled in a public school, the record must be reported to a law enforcement unit.

The bill takes effect July 1, 2010.

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Fiscal Summary

**State Effect:** State Police can adopt procedures and handle any additional workload with existing resources.

**Local Effect:** Local school system administrative expenditures increase minimally to create a file to place in a student record and to manage and store the files. It is anticipated that local law enforcement can adopt procedures and handle any additional workload with existing resources.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** The bill defines a "school gang member" as an individual who, as determined by a public school official (1) is part of a public school environment by being

enrolled in a public school, participating or maintaining a regular presence at activities at or sponsored by a public school, or riding in any school vehicle; and (2) has, in conjunction with one or more individuals on two or more separate occasions, while on school property, at a public school activity or event, or on a school vehicle:

- committed physical violence or threatened to commit physical violence against another individual;
- acted disorderly or disruptive to the educational environment or at a public school activity or event;
- applied graffiti to public school property or a school vehicle; or
- been found to possess weapons, drugs, alcohol, or other items prohibited on public school property or school vehicles.

The record must include the name of the individual, the names of the other individuals with whom the individual was acting, the name of the public school official making the determination, the date of the observed incident, the location where the incident occurred, a narrative description of the observed incident, and any other relevant information.

**Current Law:** Chapter 496 of 2007 created separate offenses relating to criminal gangs and authorized the Attorney General to aid in investigations and prosecutions at the request of a State's Attorney for a county. The Act prohibits a person from (1) participating in a criminal gang knowing that the members of the gang engage in an ongoing pattern of criminal gang activity; or (2) knowingly or willfully directing or participating in the commission of an underlying crime, or an act by a juvenile that would be an underlying crime if committed by an adult, committed for the benefit of, at the direction of, or in association with a criminal gang. A violator is guilty of a felony and subject to imprisonment for up to 10 years, or 20 years if death to a victim occurs, and/or a fine of up to \$100,000.

Law enforcement agencies must notify the school superintendent (local or archdiocese) or, for a private school student, the school's principal when a student enrolled in one of their schools is arrested for a reportable offense. Reportable offenses include specified violent crimes and various gang-, weapons-, or drug-related charges.

The local State's Attorney must notify either the superintendent or the private school principal of the disposition of the student's case. Information about the arrest and disposition of the case is considered confidential and may not be disclosed or made part of the student's permanent school record. However, it may be shared as a confidential file with another public or private school in the State in which the student enrolls or transfers. If the information is shared with another school, the superintendent or principal must also include information about any educational programming and related services provided to the student.

According to regulation, the local school superintendent or designee must provide the principal of the school in which the student is enrolled with the arrest information. The school principal or designee with appropriate staff members must immediately develop a plan that addresses appropriate educational programming and related services for the student that maintains a safe and secure school environment for all students and school personnel.

**Background:** The proliferation of gangs and their migration from urban communities to suburban and rural locations, which began more than two decades ago, is a significant problem in most areas of the country, including Maryland. It is estimated that there are over 600 active gangs in the State with over 11,000 members. The most prominent gangs in the State include the Bloods, Crips, MS-13, Black Guerilla Family, and Dead Man Incorporated. **Exhibit 1** illustrates the estimated street gang presence by jurisdiction.

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**Exhibit 1  
Gangs in Maryland**

<u>Jurisdiction</u>	<u>Gangs</u>	<u>Members</u>
Baltimore City	54	1,950
Allegany, Frederick, Garrett, Washington counties	50	800
Baltimore, Carroll, Cecil, Harford, Howard counties	170	3,600
Montgomery and Prince George's counties	300	3,800
Anne Arundel, Calvert, Charles, St. Mary's counties	70	650
Caroline, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Worcester, Wicomico counties	50	<u>600</u>
<b>Total</b>		<b>11,400</b>

Source: Maryland Coordination and Analysis Center

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**Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland State Department of Education, Department of State Police, Kent and Worcester counties, Maryland Coordination and Analysis Center, Department of Legislative Services

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mpc/mwc

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