

EXHIBIT

MONTGOMERY COUNTY PUBLIC SCHOOLS

Trespassing on School Property (State Law)

Trespass on the grounds of a public institution of elementary, secondary, or higher education.

- (a) *“School resource officer” defined.* — In this section, “school resource officer” means a law enforcement officer as defined under §3-101(e) of the Public Safety Article who has been assigned to a school in accordance with a memorandum of understanding between the chief of a law enforcement agency as defined under §3-101(b) of the Public Safety Article and the local education agency.
- (b) *Denial of access to school grounds.* – The governing board, president, superintendent, principal, or school resource officer of any public institution of elementary, secondary, or higher education, or a person designated in writing by the board or any of these persons, may deny access to the buildings or grounds of the institution to any person who:
 - (1) Is not a bona fide, currently registered student, or staff or faculty member at the institution, and who does not have lawful business to pursue at the institution;
 - (2) Is a bona fide, currently registered student at the institution and has been suspended or expelled from the institution, for the duration of the suspension or expulsion; or
 - (3) Acts in a manner that disrupts or disturbs the normal educational functions of the institution.
- (c) *Staff may demand identification.* – Administrative personnel and authorized employees of any public institution of elementary, secondary, or higher education, and persons designated in subsection (b) of this section may demand identification and evidence of qualification from any person who desires to use or enter the premises of the institution.
- (d) *Agreement with law enforcement agencies.* – The governing board of any public institution of elementary, secondary, or higher education may enter into an agreement with appropriate law enforcement agencies to carry out the responsibilities of this section when:
 - (1) The institution is closed; or

- (2) None of the persons designated in subsection (b) of this section are present in the buildings or on the grounds of the institution.
- (e) *Penalty.* – A person is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000, imprisonment not exceeding 6 months, or both if he:
- (1) Trespasses on the grounds of any public institution of elementary, secondary, or higher education;
 - (2) Fails or refuses to leave the grounds of any of these institutions after being requested to do so by a person designated in subsection (b) of this section as being authorized to deny access to the buildings or grounds of the institution;
 - (3) Willfully damages or defaces any building, furnishing, statue, monument, memorial, tree, shrub, grass, or flower on the grounds of any of these institutions.

Source: Annotated Code of Maryland, Education Article, Section 26-102.

MCPS Exhibit History: January 1983; revised June 1993; revised October 2007.