

THIS SECTION.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect [Ifor all actions instituted in court on or after I] July 1, 1973.

Approved May 24, 1973.

CHAPTER 759

(House Bill 250)

AN ACT to add new Section 96A to Article 77 of the Annotated Code of Maryland (1969 Replacement Volume and 1972 Supplement), title "Public Education," subtitle "Chapter 6. The Public Schools," to follow immediately after Section 96 thereof, to provide that school principals, [Ior agents, I] assistant principals or authorized security officers may search students under certain circumstances and may search any part of the physical plant of the school I, to provide for an immunity from tort liability for this action I] under certain circumstances, and to provide for rules and regulations to be generated and promulgated thereto, and generally relating thereto.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That new Section 96A be and it is hereby added to Article 77 of the Annotated Code of Maryland (1969 Replacement Volume and 1972 Supplement), title "Public Education," subtitle "Chapter 6. The Public Schools," to follow immediately after Section 96 thereof, and to read as follows:

96A.

I(A) EVERY PRINCIPAL OR HIS AUTHORIZED AGENT OF A PUBLIC SCHOOL MAY CONDUCT A REASONABLE SEARCH OF A STUDENT IF THE PRINCIPAL HAS A REASONABLE BELIEF THAT THE STUDENT HAS IN HIS POSSESSION ITEMS, THE POSSESSION OF WHICH CONSTITUTE A CRIMINAL OFFENSE UNDER THE LAWS OF THIS STATE.

(B) EVERY PRINCIPAL OR HIS AUTHORIZED AGENT OF A PUBLIC SCHOOL MAY CONDUCT A SEARCH OF THE PHYSICAL PLANT OF THE SCHOOL AND EVERY APPURTENANCE THEREOF. THIS SHALL BE CONSTRUED TO INCLUDE ANY LOCKERS OR SIMILAR PLACES REGARDLESS OF ASSIGNMENT TO PUPILS OR OTHER PERSONS.

(C) NO PRINCIPAL OR PERSON ACTING UNDER HIS AUTHORITY CONDUCTING A SEARCH PURSUANT TO THIS SECTION 96A IS LIABLE TO ANY PERSON FOR DAMAGES AS A RESULT OF THE SEARCH. I]

(A) EVERY PRINCIPAL, ASSISTANT PRINCIPAL OR AUTHORIZED SECURITY OFFICER OF A PUBLIC SCHOOL MAY CONDUCT A REASONABLE SEARCH OF A STUDENT ON THE SCHOOL PREMISES IF HE HAS PROBABLE CAUSE TO BELIEVE THAT THE STUDENT HAS IN HIS POSSESSION AN ITEM, THE POSSESSION OF WHICH CONSTITUTES A CRIMINAL OFFENSE UNDER THE LAWS OF THIS STATE. THE SEARCH MUST BE MADE IN THE PRESENCE OF A THIRD PARTY.