
By: Delegates Turner and Flanagan

Introduced and read first time: January 24, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Court Records - Access and Use for Pretrial Release**

3 FOR the purpose of providing that a certain requirement of confidentiality of juvenile
4 court records does not prohibit access to and use of the court record under certain
5 circumstances for the purpose of determining a defendant's eligibility for pretrial
6 release; authorizing the Court of Appeals to adopt certain rules to implement this
7 Act; and generally relating to access to and use of certain juvenile court records
8 concerning an adjudication of delinquency under certain circumstances.

9 BY repealing and reenacting, without amendments,
10 Article - Courts and Judicial Proceedings
11 Section 3-828(b)(1)
12 Annotated Code of Maryland
13 (1995 Replacement Volume and 1995 Supplement)

14 BY adding to
15 Article - Courts and Judicial Proceedings
16 Section 3-828(b)(5)
17 Annotated Code of Maryland
18 (1995 Replacement Volume and 1995 Supplement)

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

21 **Article - Courts and Judicial Proceedings**

22 3-828.

23 (b) (1) A court record pertaining to a child is confidential and its contents may
24 not be divulged, by subpoena or otherwise, except by order of the court upon good cause
25 shown or as provided in § 7-302.1 of the Education Article.

26 (5) (I) THIS SUBSECTION DOES NOT PROHIBIT ACCESS TO AND USE OF
27 A COURT RECORD BY A JUDICIAL OFFICER WHO IS AUTHORIZED UNDER THE
28 MARYLAND RULES TO DETERMINE A DEFENDANT'S ELIGIBILITY FOR PRETRIAL
29 RELEASE, COUNSEL FOR THE DEFENDANT, OR THE STATE'S ATTORNEY IF:

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1 1. THE INDIVIDUAL WHO IS THE SUBJECT OF THE COURT
2 RECORD IS CHARGED AS AN ADULT WITH AN OFFENSE;

3 2. THE INDIVIDUAL WAS ADJUDICATED AS DELINQUENT;

4 3. THE ACCESS TO AND USE OF THE COURT RECORD IS
5 STRICTLY LIMITED FOR THE PURPOSE OF DETERMINING THE DEFENDANT'S
6 ELIGIBILITY FOR PRETRIAL RELEASE; AND

7 4. THE COURT RECORD CONCERNS AN ADJUDICATION
8 THAT OCCURRED WITHIN 4 YEARS OF THE DATE THE INDIVIDUAL IS CHARGED AS
9 AN ADULT.

10 (II) THE COURT OF APPEALS MAY ADOPT RULES TO IMPLEMENT
11 THE PROVISIONS OF THIS PARAGRAPH.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 1996.