

**Department of Legislative Services**  
Maryland General Assembly  
2010 Session

**FISCAL AND POLICY NOTE**

House Bill 426

(Chair, Judiciary Committee)(By Request - Departmental  
- Public Safety and Correctional Services)

Judiciary

Judicial Proceedings

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**Juvenile Law - Confidentiality of Records - Access by Division of Pretrial  
Detention and Services**

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This departmental bill establishes an additional exception to statutory provisions maintaining the confidentiality of juvenile records by authorizing the Division of Pretrial Detention and Services (DPDS) of the Department of Public Safety and Correctional Services to access juvenile records when it is carrying out any of its statutory duties and the record concerns a petition alleging delinquency or an adjudication of delinquency. The individual to whom the record pertains must either be in the custody of the commissioner of DPDS or under the supervision of DPDS's pretrial release services.

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**Fiscal Summary**

**State Effect:** None. Any increase in the workload of DPDS or the Department of Juvenile Services can be handled with existing resources.

**Local Effect:** None.

**Small Business Effect:** The Department of Public Safety and Correctional Services has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

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**Analysis**

**Current Law:** In general, a police record or court record concerning a child is confidential and its contents may not be divulged, by subpoena or otherwise, except by court order. In addition to other exceptions specified in statute, these general provisions

do not prohibit access to or use of any juvenile record by the Maryland Division of Parole and Probation or the Maryland Parole Commission (MPC) if they are carrying out any of their statutory duties at the direction of a court, or when MPC is carrying out any of its statutory duties, if the record concerns a charge or adjudication of delinquency.

The Division of Correction is also permitted access to and use of juvenile records when it is carrying out any of its statutory duties if (1) the individual to whom the record pertains is committed to its custody; and (2) the record concerns an adjudication of delinquency.

**Background:** Individuals arrested and processed in the Baltimore City limits are in the custody of the commissioner for DPDS, which is a State-operated function for the city. DPDS includes the Pretrial Release Services Program in Baltimore City, which makes recommendations to the court concerning an individual's fitness for home detention or other types of pretrial release and supervises defendants who have been released to the community to await trial. Because DPDS does not currently have access to the juvenile records of these individuals, limited information is being presented to the court due to the lack of the juvenile record. Therefore, judges are making release decisions without complete criminal history information for the individual in question. By enabling DPDS to access this information under very limited circumstances, the pretrial release program can provide more complete information to the court.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Juvenile Services, Department of Public Safety and Correctional Services, Department of Legislative Services

**Fiscal Note History:** First Reader - February 9, 2010  
ncs/kdm

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Juvenile Law – Confidentiality of Records – Access by Division of Pretrial Detention Services

BILL NUMBER: HB 426

PREPARED BY: Department of Public Safety and Correctional Services

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.