

# HOUSE BILL 264

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By: **Chair, Judiciary Committee (By Request – Departmental – Juvenile Services)**

Introduced and read first time: January 23, 2013

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law – Juvenile Records – Disclosure**

3 FOR the purpose of authorizing the Department of Juvenile Services to provide access  
4 to and confidential use of certain juvenile court records by certain state agencies  
5 under certain circumstances; repealing certain provisions that authorized access  
6 to and confidential use of a certain treatment plan of a child under certain  
7 circumstances; repealing the requirement that a certain agency have custody of  
8 a certain child in order to access certain information; and generally relating to  
9 juvenile records.

10 BY repealing and reenacting, with amendments,  
11 Article – Courts and Judicial Proceedings  
12 Section 3–8A–27(b)  
13 Annotated Code of Maryland  
14 (2006 Replacement Volume and 2012 Supplement)

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

17 **Article – Courts and Judicial Proceedings**

18 3–8A–27.

19 (b) (1) A court record pertaining to a child is confidential and its contents  
20 may not be divulged, by subpoena or otherwise, except by order of the court upon good  
21 cause shown or as provided in §§ 7–303 and 22–309 of the Education Article.

22 (2) This subsection does not prohibit access to and the use of the court  
23 record or fingerprints of a child described under Title 10, Subtitle 2 of the Criminal  
24 Procedure Article in a proceeding in the court involving the child, by personnel of the

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 court, the State's Attorney, counsel for the child, a court-appointed special advocate  
2 for the child, or authorized personnel of the Department of Juvenile Services.

3 (3) (i) Except as provided in subparagraph (ii) of this paragraph,  
4 this subsection does not prohibit access to and confidential use of the court record or  
5 fingerprints of a child described under Title 10, Subtitle 2 of the Criminal Procedure  
6 Article by the Department of Juvenile Services or in an investigation and prosecution  
7 by a law enforcement agency.

8 (ii) The court record or fingerprints of a child described under §§  
9 10-215(a)(20) and (21), 10-216, and 10-220 of the Criminal Procedure Article may not  
10 be disclosed to:

11 1. A federal criminal justice agency or information  
12 center; or

13 2. Any law enforcement agency other than a law  
14 enforcement agency of the State or a political subdivision of the State.

15 (4) (i) The Department of Juvenile Services may provide access to  
16 and the confidential use of [a treatment plan] **THE COURT RECORD** of a child  
17 [described under Title 10, Subtitle 2 of the Criminal Procedure Article] by an agency  
18 in the District of Columbia or a state agency in **DELAWARE, PENNSYLVANIA,**  
19 **Virginia, OR WEST VIRGINIA**, if the agency:

20 1. Performs the same functions in the jurisdiction of the  
21 agency as described in § 9-216(a) of the Human Services Article; **AND**

22 2. Has a reciprocal agreement with the State that  
23 provides that the specific information to be shared by the State is the same type of  
24 information that will be shared by the agency[; and

25 3. Has custody of the child].

26 (ii) A record that is shared under this paragraph may only  
27 provide information that is relevant to the supervision, care, and treatment of the  
28 child.

29 (iii) The Department of Juvenile Services shall be liable for an  
30 unauthorized release of a court record under this paragraph.

31 (iv) The Department of Juvenile Services shall adopt regulations  
32 to implement this paragraph.

33 (5) (i) This subsection does not prohibit access to and use of a court  
34 record by a judicial officer who is authorized under the Maryland Rules to determine a

1 defendant's eligibility for pretrial release, counsel for the defendant, the State's  
2 Attorney, or the Maryland Division of Pretrial Detention and Services if:

3                   1.     The individual who is the subject of the court record is  
4 charged as an adult with an offense;

5                   2.     The access to and use of the court record is strictly  
6 limited for the purpose of determining the defendant's eligibility for pretrial release;  
7 and

8                   3.     The court record concerns an adjudication of  
9 delinquency that occurred within 3 years of the date the individual is charged as an  
10 adult.

11                   (ii)    The Court of Appeals may adopt rules to implement the  
12 provisions of this paragraph.

13                   (6)    (i)     This subsection does not prohibit access to and confidential  
14 use of a court record by the Department of Human Resources for the purpose of  
15 claiming federal Title IV-E funds.

16                   (ii)    The Department of Human Resources shall be liable for the  
17 unauthorized release of a court record under this paragraph.

18                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2013.