

**Department of Legislative Services**  
Maryland General Assembly  
2018 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 1508

(Delegate Anderson)(By Request - Baltimore City  
Administration)

Judiciary

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**Baltimore City - Children - Records Access**

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This bill extends, from September 30, 2019, to September 30, 2024, provisions that authorize access to court, social services, juvenile, and police records by the Office of Youth Violence Prevention (OYVP) within the Baltimore City Health Department and the Baltimore City Mayor's Office on Criminal Justice (BCMOCJ) under specified circumstances. OYVP and BCMOCJ are liable for the unauthorized release of any of the provided records.

The bill terminates September 30, 2024.

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**Fiscal Summary**

**State Effect:** The bill's requirements can be handled with existing budgeted resources.

**Local Effect:** The bill's requirements can be handled with existing budgeted resources.

**Small Business Effect:** None.

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**Analysis**

**Current Law/Background:** In general, a court record concerning a child is confidential and its contents may not be divulged, by subpoena or otherwise, except by court order upon a showing of good cause or in certain circumstances relating to notification of a local superintendent or nonpublic school principal upon the arrest of a child for specified offenses.

In general, police records concerning a child are confidential and maintained separately from adult records. The contents of these records may not be divulged except by court order for good cause shown, or specific situations in which police notify school superintendents of the arrest of a student.

All records and reports about child abuse and neglect are confidential; however, records of child abuse or neglect must be disclosed pursuant to an order of the court or an administrative law judge.

Statutory provisions also set forth circumstances under which the records of a child may be accessed and used by various entities for specified purposes. Chapter 474 of 2013 allows OYVP access to court and police records concerning a child if (1) OYVP is providing treatment or care to a child and the disclosure is related to that purpose; (2) the record concerns a child convicted of a crime or adjudicated delinquent for an act that caused a death or near fatality; or (3) the record concerns a victim of a “crime of violence,” who is a child residing in Baltimore City, for the purpose of developing appropriate programs and policies aimed at reducing violence against children in Baltimore City. Reports or records concerning child abuse or neglect must also be disclosed, on a written request, to OYVP if the above circumstances apply. On written request, the Department of Juvenile Services (DJS) must disclose to OYVP any confidential research records concerning a child if any of the above circumstances apply. OYVP must keep confidential any information provided.

BCMOCJ may also have access to the police records if it is providing programs and services to a child who is the subject of the record for related purposes. BCMOCJ may also have access to and confidential use of a court record if it is providing programs and services in conjunction with the Baltimore Police Department to a child who is the subject of the record, for a purpose relevant to the provision of the programs and services and development of a comprehensive treatment plan.

The Department of State Police (DSP) must provide to OYVP and BCMOCJ, on written request, information concerning (1) a victim of a “crime of violence” who is a child residing in Baltimore City and (2) a child convicted of a crime or adjudicated delinquent for an act that caused a death or near fatality. OYVP and BCMOCJ must keep any information provided confidential and use the information solely to develop appropriate programs and policies, as specified.

Within 180 days after receiving, accessing, or viewing a record, OYVP or BCMOCJ must submit a report to the court, DJS, DSP, or the Department of Human Services, as appropriate, detailing the purposes for which the record was used.

## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Baltimore City; Judiciary (Administrative Office of the Courts); Department of Juvenile Services; Department of State Police; Department of Legislative Services

**Fiscal Note History:** First Reader - March 7, 2018  
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