

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 269
Judiciary

(Delegate J. Lewis, *et al.*)

Judicial Proceedings

Criminal Procedure - Victim Notification - Dissemination and National Standards

This bill alters the definition of “disseminate” as it relates to the Criminal Justice Information System (CJIS) to exclude providing information to victims of crime or their representatives. The bill alters the purpose of provisions of law relating to CJIS to include the rights of victims and victims’ representatives to receive information to the extent practicable in accordance with the national victim notification information sharing standards developed by the U.S. Department of Justice (DOJ). **The bill takes effect June 1, 2018.**

Fiscal Summary

State Effect: The bill’s changes can be handled with existing budgeted resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The CJIS Central Repository within the Department of Public Safety and Correctional Services (DPSCS) collects, manages, and disseminates Maryland Criminal History Record Information for criminal justice and noncriminal justice (*e.g.*, employment and licensing) purposes. Statutory provisions specify events that criminal justice units must report to CJIS’s Central Repository.

Generally, the purpose of the subtitle relating to CJIS is:

- to create and maintain an accurate and efficient criminal justice information system in the State consistent with (1) applicable federal law and regulations; (2) the need of criminal justice units in the State for accurate and current criminal history record information; and (3) the right of persons to be free from improper and unwarranted intrusions into their privacy; and
- to provide a basic statutory framework within which (1) a central repository for criminal history record information is created; (2) accurate, relevant, and current criminal history record information to the Central Repository by all criminal justice units is reported; (3) criminal history record information is kept accurate and current; and (4) improper dissemination of criminal history record information is prohibited.

“Disseminate,” with respect to records, means to transmit criminal history record information in any form. “Disseminate” does not include:

- transmitting criminal history record information within a criminal justice unit;
- reporting required criminal history record information, as specified; or
- transmitting criminal history record information between criminal justice units to allow the initiation of subsequent criminal justice proceedings against a person relating to the same crime.

Background: The DOJ National Information Sharing Standard for Statewide Automated Victim Information and Notification provides a standards-based approach for all states to create or enhance victim notification services and, ultimately, provide better services to crime victims. The standard provides technical guidance for exchanging victim-related information nationwide, regardless of the type of technology used. Implementations of the standard have been completed in North Dakota, Illinois, Alabama, Montana, and Indiana.

State Expenditures: DPSCS advises that the dissemination requirements under the bill requires the development of procedures to operationalize the process for the Victim Services Unit. Development of the procedures can be handled with existing budgeted resources.

Additional Information

Prior Introductions: SB 1025 of 2017, a similar bill, received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken. Its cross file, HB 1525, passed the House and was referred to the Senate Judicial Proceedings Committee, but no further action was taken.

Cross File: SB 180 (Senator Lee, *et al.*) - Judicial Proceedings.

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

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