

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 985

(Senator Hayes, *et al.*)

Judicial Proceedings

Judiciary

Confidentiality of Juvenile Records - Baltimore City Mayor's Office on Criminal
Justice

This bill establishes that provisions of law regarding the confidentiality of police and court records concerning a child do not prohibit access to and use of the records by the Baltimore City Mayor's Office on Criminal Justice (BCMOCJ) under specified circumstances. BCMOCJ is liable for the unauthorized release of any of the provided records. **The bill takes effect upon the termination of Chapter 474 of 2013 (September 30, 2019), and terminates September 30, 2025.**

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.

Analysis

Bill Summary: BCMOCJ is not prohibited from accessing and using police records concerning a child if it is providing programs and services to a child who is the subject of the record, for a purpose relevant to the provisions of the programs and services and the development of a comprehensive treatment plan. BCMOCJ may access and use court records under the same circumstances, if it is providing programs and services to a child in conjunction with the Department of Juvenile Services (DJS).

Current Law/Background:

Juvenile Records – In General

In general, police and court records concerning a child are confidential, and their 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. This prohibition does not restrict access to and the use of court records in court proceedings involving the child by personnel of the court, the State's Attorney, counsel for the child, a court-appointed special advocate for the child, or authorized personnel of DJS. Subject to certain exceptions, the restriction also does not prohibit access to and confidential use of police and court records of a child by DJS or in an investigation and prosecution by a law enforcement agency.

Statutory provisions also set forth circumstances under which the police and court records of a child may be accessed and used by various entities for specified purposes. For example, the Department of Human Services may have access to and confidential use of a court record for the purpose of claiming federal funds.

Juvenile Records – Baltimore City Access

Chapter 474 of 2013 established provisions by which BCMOCJ and the Office of Youth Violence Prevention (OYVP) (an entity within the Baltimore City Health Department) could access records concerning children under specified circumstances. Pursuant to Chapter 474, BCMOCJ is allowed access to police records concerning a child if it is providing programs and services to a child who is the subject of the record, for a purpose relevant to the provisions of the programs and services and the development of a comprehensive treatment plan. 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.

Chapter 474 also 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.

OYVP and BCMOCJ must keep any information provided confidential and use the information solely to develop appropriate programs and policies, as specified. Both entities are liable for the unauthorized release of any provided records. Within 180 days after receiving, accessing, or viewing a record, OYVP or BCMOCJ must submit a report to the appropriate entity, as specified, detailing the purposes for which the record was used. The provisions of Chapter 474 terminate September 30, 2019.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery County; Maryland Association of Counties; cities of Bowie and Takoma Park; Judiciary (Administrative Office of the Courts); Maryland Department of Health; Department of Human Services; Department of Juvenile Services; Department of State Police; Department of Legislative Services

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