

Chapter 141

(House Bill 262)

AN ACT concerning

Criminal Procedure – Examination of Defendant by Maryland Department of Health – Access to Judicial Records

FOR the purpose of requiring that the Maryland Department of Health have access to certain information maintained by the Judiciary about a certain defendant; requiring the Department and the Judiciary to enter into an agreement regarding certain matters at a certain time; and generally relating to access to judicial records by the Maryland Department of Health.

BY adding to

Article – Criminal Procedure

Section 3–124

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

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

Article – Criminal Procedure

3–124.

(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE HEALTH DEPARTMENT SHALL HAVE ACCESS TO INFORMATION MAINTAINED BY THE JUDICIARY ABOUT A CRIMINAL DEFENDANT WHO IS:

(1) SUBJECT TO EXAMINATION UNDER THE PROVISIONS OF THIS TITLE;

(2) COMMITTED TO THE HEALTH DEPARTMENT UNDER THE PROVISIONS OF THIS TITLE; OR

(3) ON CONDITIONAL RELEASE UNDER THE PROVISIONS OF THIS TITLE.

(B) BEFORE EXCHANGING ANY INFORMATION IN ACCORDANCE WITH THIS SECTION, THE HEALTH DEPARTMENT AND THE JUDICIARY SHALL ENTER INTO AN AGREEMENT REGARDING:

(1) THE INDIVIDUALS WHO MAY HAVE ACCESS TO INFORMATION UNDER THIS SECTION;

(2) WHAT INFORMATION IS ACCESSIBLE TO THE INDIVIDUALS IN ITEM (1) OF THIS SUBSECTION; AND

(3) THE WAYS IN WHICH THE INFORMATION ACCESSED MAY BE USED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.