



POSITION ON PROPOSED LEGISLATION

BILL: SB 314 - Juveniles Charged as Adults - Confidentiality of Records

POSITION: SUPPORT

DATE: February 11, 2020

Current Maryland law requires that court and police records of children in the juvenile system be kept confidential, protected from the general public and maintained separate from adult records.¹ Court and police records for individuals facing charges in the adult system are not afforded similar protections, even when such individuals are in fact juveniles under 18 years of age. Thus, youth charged as adults often experience wide-ranging distribution of photos, videos and other uniquely identifying information across all kinds of social and commercial media. This information will likely be available to anyone with an internet connection in perpetuity. And this happens even in those cases where the youth's case is successfully transferred to the juvenile system after a judicial determination.

While the adult *court* records of youth charged as adults can eventually be expunged, no expungement exists for the images, articles etc. that a simple internet search can reveal. Ironically, the only information that an internet search will likely *not* reveal is the relatively positive outcome of the case; the successful transfer of the adult matter to juvenile court, because *that* information *is* confidential.

To avoid these kinds of needless and damaging disclosures, SB 314 extends, for a time, the juvenile confidentiality laws to youth initially charged as adults. There are exceptions allowed in this bill for the release of this otherwise confidential information when needed to apprehend a youth charged as an adult or for public safety.

Under current law, too many young people are effectively denied the protections of confidentiality and expungement because these laws do not apply until after the case has been filed in adult court, after names, images and other identifying information is

¹ See CJP § 3-8A-27.

broadcast all over the internet, and after the harm is beyond remedy. Because SB 314 fixes that, and for all of the above-stated reasons, OPD urges a favorable report.