

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 314
Juveniles Charged as Adults – Confidentiality of Records
DATE: January 29, 2020
(2/11)
POSITION: Oppose as drafted

The Maryland Judiciary opposes Senate Bill 314 as drafted. This bill would amend the confidentiality provisions of certain records concerning a child who was charged as an adult.

This bill would does not specify with clarity the event that would trigger the confidentiality requirement under Criminal Procedure § 4-202. The phrase “pending a transfer determination” is unclear and needs clarification. The bill appears to both say the records are confidential “pending a transfer determination” and to say that the records are confidential within certain parameters, which parameters do not seem identical to “pending a transfer determination”.

cc. Hon. Charles Sydnor, III
Judicial Council
Legislative Committee
Kelley O’Connor