

**HB1310/903425/1**

BY: Judiciary Committee

AMENDMENTS TO HOUSE BILL 1310  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “records;” insert “authorizing a certain police record to be divulged to the review and response team;”; and after line 9, insert:

“BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings

Section 3–8A–27(a)

Annotated Code of Maryland

(2020 Replacement Volume and 2023 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 21, insert:

**“Article – Courts and Judicial Proceedings**

3–8A–27.

(a) (1) A police record concerning a child is confidential and shall be maintained separate from those of adults. Its contents may not be divulged, by subpoena or otherwise, except by order of the court upon good cause shown or as otherwise provided in § 7–303 of the Education Article.

(2) This subsection does not prohibit:

(i) Access to and confidential use of the record by the Department of Juvenile Services or in the investigation and prosecution of the child by any law enforcement agency;

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(ii) Access to and confidential use of the record by the Baltimore City Mayor's Office on Criminal Justice if the Baltimore City Mayor's Office on Criminal Justice 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;

(iii) A law enforcement agency of the State or of a political subdivision of the State, the Department of Juvenile Services, or the criminal justice information system from including in the law enforcement computer information system information about:

1. An outstanding juvenile court ordered writ of attachment or an outstanding criminal court ordered writ of attachment, for the sole purpose of apprehending a child named in the writ;

2. An outstanding criminal court issued warrant, for the sole purpose of apprehending a child named in the warrant; or

3. A missing child as defined in § 9–401 of the Family Law Article; [or]

(iv) A law enforcement agency of the State or of a political subdivision of the State, when necessary and for the sole purposes of facilitating apprehension of a child and ensuring public safety, from releasing to the public photographs and identifying information of a child who:

1. Has escaped from:

A. A detention center for juveniles;

B. A secure residential facility for juveniles; or

C.    A correctional unit as defined in § 2-401 of the  
Correctional Services Article;

2.    Is a missing child as defined in § 9-401 of the Family  
Law Article; or

3.    The court does not have jurisdiction over pursuant to §  
3-8A-03(d)(1), (4), or (5) of this subtitle and who is subject to:

A.    Arrest; or

B.    An arrest warrant issued by a criminal court; OR

**(V)    ACCESS TO AND CONFIDENTIAL USE OF THE RECORD BY  
THE BALTIMORE CITY COORDINATED YOUTH VIOLENCE REVIEW AND  
RESPONSE TEAM.**

(3)    The Baltimore City Mayor’s Office on Criminal Justice shall be  
liable for the unauthorized release of a police record it accesses under this subsection.”.

On page 2, in line 27, after “(VI)” insert “**THE DIRECTOR OF THE BALTIMORE  
CITY DEPARTMENT OF SOCIAL SERVICES, OR THE DIRECTOR’S DESIGNEE; AND**

**(VII)**”.

On pages 2 and 3, strike beginning with the semicolon in line 28 on page 2 down  
through “DESIGNEE” in line 2 on page 3.

On page 3, in line 15, after “TEAM” insert “**THAT ARE CONSISTENT WITH  
OTHERWISE APPLICABLE PRIVACY LAWS**”; after line 15, insert:

“(6) (I) EACH ORGANIZATION REPRESENTED ON THE REVIEW AND RESPONSE TEAM SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING THAT IDENTIFIES PROTOCOLS AND SAFEGUARDS FOR THE CONFIDENTIALITY OF PERSONALLY IDENTIFIABLE INFORMATION AND DISAGGREGATED DATA OF YOUTH AT RISK OF IMMINENT HARM.

(II) THE MEMORANDUM OF UNDERSTANDING REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL AT MINIMUM INCLUDE PROVISIONS THAT ADDRESS:

1. DATA SECURITY AND ACCESS;
2. SECURITY INCIDENT AND DISASTER RECOVERY PROCEDURES; AND
3. SECURE DISPOSITION OF DATA WHEN THE DATA IS NO LONGER NEEDED FOR CASE MANAGEMENT PURPOSES.

(7) THE REVIEW AND RESPONSE TEAM SHALL MAINTAIN APPROPRIATE ADMINISTRATIVE, PHYSICAL, AND TECHNICAL SAFEGUARDS THAT PROTECT THE PRIVACY, CONFIDENTIALITY, INTEGRITY, AND AVAILABILITY OF ANY INFORMATION THE REVIEW AND RESPONSE TEAM OBTAINS IN COMPLIANCE WITH THE FEDERAL FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT AND OTHER RELEVANT PRIVACY LAWS AND POLICIES.”;

in line 17, strike “BECOMING A VICTIM OF VIOLENCE IF THE YOUTH IS” and substitute “IMMINENT HARM IF THE YOUTH IS AT LEAST 7 YEARS OLD AND UNDER THE AGE OF 21 YEARS AND IS”; in lines 18 and 19, strike “THAT OCCURS AFTER THE PREVIOUS MEETING OF THE REVIEW AND RESPONSE TEAM”; in line 23, after “AS”

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insert “BEING AT”; and in line 24, strike “**BECOMING A VICTIM OF VIOLENCE**” and substitute “IMMINENT HARM”.

On page 4, in line 4, strike “**YOUTH SERVICES**” and substitute “SERVICES TO YOUTH AT HIGH RISK OF IMMINENT HARM”; strike in their entirety lines 5 through 7, inclusive, and substitute:

**“(V) CREATE SPECIFIC SAFETY PLANS USING WRAPAROUND SUPPORTS FOR THE YOUTH IDENTIFIED AS BEING AT HIGH RISK OF IMMINENT HARM AND THE YOUTH’S FAMILY AND COMMUNITY, WHILE PROTECTING INDIVIDUAL PRIVACY RIGHTS AS REQUIRED BY LAW.”;**

in lines 13 and 14, strike “**A YOUTH INCIDENT INVOLVING LAW ENFORCEMENT UNDER REVIEW**” and substitute “AN INCIDENT INVOLVING LAW ENFORCEMENT THAT INVOLVES A YOUTH AT HIGH RISK OF IMMINENT HARM”; in line 15, after “**(II)**” insert “PERSONALLY IDENTIFIABLE”; in line 16, after “**INCLUDING**” insert “STUDENT RECORDS.”; in line 18, after the third “**AND**” insert “OTHER”; strike beginning with “**AN**” in line 20 down through “**TEAM**” in line 22 and substitute “A YOUTH AT HIGH RISK OF IMMINENT HARM”; in line 29, strike “**MEETINGS**” and substitute “IN ORDER FOR THE REVIEW AND RESPONSE TEAM TO DISCUSS INDIVIDUAL YOUTH AT RISK OF IMMINENT HARM AND OTHER HIGHLY CONFIDENTIAL AND SENSITIVE INFORMATION AND DATA, MEETINGS”; and strike beginning with “**WHEN**” in line 30 down through “**INTERACTION**” in line 32.

On pages 4 and 5, strike in their entirety the lines beginning with line 33 on page 4 through line 2 on page 5, inclusive, and substitute:

**“(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH AND IN ACCORDANCE WITH THE FEDERAL FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT AND THE FEDERAL INDIVIDUALS WITH**

(Over)

DISABILITIES EDUCATION ACT, BEFORE REVIEW OF AN INDIVIDUAL CASE, THE REVIEW AND RESPONSE TEAM SHALL CONTACT THE PARENTS OR GUARDIANS OF THE YOUTH AT RISK OF IMMINENT HARM AND OBTAIN THEIR CONSENT TO BEGIN REVIEW OF THE INDIVIDUAL CASE AND RECOMMEND OR PROVIDE SERVICES TO THE YOUTH.

(II) IF THE YOUTH AT RISK OF IMMINENT HARM IS AN EMANCIPATED MINOR OR AN ADULT, THE REVIEW AND RESPONSE TEAM SHALL CONTACT THE YOUTH'S PARENT OR GUARDIAN BUT THE YOUTH'S CONSENT IS SUFFICIENT TO BEGIN REVIEW OF THE INDIVIDUAL CASE AND RECOMMEND OR PROVIDE SERVICES TO THE YOUTH.

(III) 1. IF THE YOUTH AT RISK OF IMMINENT HARM IS A MINOR AND THE YOUTH'S PARENT OR GUARDIAN DOES NOT PROVIDE THE CONSENT REQUIRED UNDER THIS PARAGRAPH ANY INFORMATION REGARDING THE YOUTH MAY ONLY BE SHARED WITH THE REVIEW AND RESPONSE TEAM IF THERE ARE EMERGENCY HEALTH AND SAFETY CIRCUMSTANCES THAT JUSTIFY PROCEEDING WITHOUT THE CONSENT REQUIRED UNDER THIS PARAGRAPH AND ALL OTHER REQUIREMENTS OF LAW ARE SATISFIED.

2. IF THE REVIEW AND RESPONSE TEAM CONSIDERS INFORMATION ABOUT A YOUTH AT RISK OF IMMINENT HARM WITHOUT THE CONSENT OF THE YOUTH'S PARENT OR GUARDIAN, THE REVIEW AND RESPONSE TEAM SHALL NOTIFY THE YOUTH'S PARENT OR GUARDIAN OF THE INFORMATION THAT IS CONSIDERED.

(IV) FOR PURPOSES OF OBTAINING THE CONSENT REQUIRED UNDER THIS PARAGRAPH, THE REVIEW AND RESPONSE TEAM SHALL PREPARE A CONSENT FORM THAT:

- 1.      DESCRIBES THE REVIEW AND RESPONSE TEAM AND ITS PURPOSE;**
- 2.      IDENTIFIES THE AGENCIES THAT PARTICIPATE ON THE REVIEW AND RESPONSE TEAM; AND**
- 3.      SPECIFIES THE TYPES OF DATA THAT WILL BE SHARED.”.**

On page 5, strike in their entirety lines 3 and 4 and substitute:

**“(3) THE REVIEW AND RESPONSE TEAM MAY NOT DISCLOSE ANY INFORMATION THAT IDENTIFIES:”;**

in lines 5, 6, 8, and 10, strike “1.”, “2.”, “3.”, and “4.”, respectively, and substitute “**(I)**”, “**(II)**”, “**(III)**”, and “**(IV)**”, respectively; in lines 6 and 7, strike “WHO IS INVOLVED IN A YOUTH INCIDENT” and substitute “**AT HIGH RISK OF IMMINENT HARM**”; in line 9, strike “AN INDIVIDUAL INVOLVED IN A YOUTH INCIDENT” and substitute “**YOUTH AT HIGH RISK OF IMMINENT HARM**”; and strike in their entirety lines 12 through 20, inclusive.

On page 6, in line 11, after “(3)” insert “**(I) ONLY THE REVIEW AND RESPONSE TEAM MAY HAVE ACCESS TO PERSONALLY IDENTIFIABLE INFORMATION.**

**(II) THE SHARING OF DATA IS LIMITED TO ONLY MEMBERS OF THE REVIEW AND RESPONSE TEAM IDENTIFIED UNDER SUBSECTION (B)(2) OF THIS SECTION AND THE DATA MAY NOT BE USED FOR LAW ENFORCEMENT PURPOSES.**

(Over)

**(III)**”;

and in line 11, after “OF” insert “**AGGREGATED, DE-IDENTIFIED**”.

On page 7, in line 11, after “(H)” insert “**(1)**”; in the same line, in each instance, strike “JANUARY” and substitute “**JANUARY**”; in line 13, after the comma insert “**DE-IDENTIFIED**”; and after line 15, insert:

**“(2) BEFORE SUBMITTING THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE REVIEW AND RESPONSE TEAM SHALL ALLOW EACH MEMBER OF THE REVIEW AND RESPONSE TEAM THE OPPORTUNITY TO REVIEW THE REPORT TO ENSURE THAT IT ALIGNS WITH SAFEGUARDS ON DATA PRIVACY AND SECURITY.”**