
By: Senator Bromwell

Introduced and read first time: January 18, 1996

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Court Records - Confidentiality**

3 FOR the purpose of broadening access to and use of juvenile court records and
4 fingerprints under certain circumstances; requiring the juvenile court record of an
5 adjudication of a child and fingerprints of the child to be included as criminal
6 history information under the Criminal Justice Information System under certain
7 circumstances; and generally relating to the confidentiality of certain juvenile court
8 records.

9 BY repealing and reenacting, with amendments,
10 Article - Courts and Judicial Proceedings
11 Section 3-828(b)
12 Annotated Code of Maryland
13 (1995 Replacement Volume and 1995 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article 27 - Crimes and Punishments
16 Section 743(a)
17 Annotated Code of Maryland
18 (1992 Replacement Volume and 1995 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article 27 - Crimes and Punishments
21 Section 743(e)(2) and (f), 747(a)(21) and (22), and 750A(b)
22 Annotated Code of Maryland
23 (1992 Replacement Volume and 1995 Supplement)

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

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1 **Article - Courts and Judicial Proceedings**

2 3-828.

3 (b) (1) A court record pertaining to a child is confidential and its contents may
4 not be divulged, by subpoena or otherwise, except by order of the court upon good cause
5 shown or as provided in § 7-302.1 of the Education Article.

6 (2) This subsection does not prohibit access to and the use of the court
7 record or fingerprints of a child described under the Criminal Justice Information System
8 subtitle of Article 27 of the Code in a proceeding in the court involving the child, by
9 personnel of the court, the State's Attorney, counsel for the child, a court-appointed
10 special advocate for the child, or authorized personnel of the Department of Juvenile
11 Justice, or, in a proceeding involving a child alleged to be in need of assistance, by
12 authorized personnel of the Social Services Administration and local departments of
13 social services of the Department of Human Resources in order to conduct a child abuse
14 or neglect investigation or to comply with requirements imposed under Title IV-E of the
15 Social Security Act.

16 (3) COURT RECORDS AND FINGERPRINTS OF A CHILD ARE NOT
17 CONFIDENTIAL AFTER THE CHILD HAS BECOME AN ADULT. THIS SUBSECTION DOES
18 NOT PROHIBIT ACCESS TO AND CONFIDENTIAL USE OF THE COURT RECORDS OR
19 FINGERPRINTS OF A CHILD DESCRIBED UNDER THE CRIMINAL JUSTICE
20 INFORMATION SYSTEM SUBTITLE OF ARTICLE 27 OF THE CODE IN AN
21 INVESTIGATION AND PROSECUTION BY A LAW ENFORCEMENT AGENCY AFTER THE
22 CHILD HAS BECOME AN ADULT.

23 [(3)] (4) Information obtained from a juvenile court record by authorized
24 personnel of the Department of Human Resources under paragraph (2) of this subsection
25 is subject to the provisions of Article 88A, § 6 of the Code.

26 [(4)] (5) (i) Except as provided in subparagraph (ii) of this paragraph,
27 this subsection does not prohibit access to and confidential use of the court record or
28 fingerprints of a child described under the Criminal Justice Information System subtitle
29 of Article 27 of the Code in an investigation and prosecution by a law enforcement
30 agency.

31 (ii) The court record or fingerprints of a child described under Article
32 27, §§ 747(a)(21) AND (22), and 747A of the Code may not be disclosed to:

- 33 1. A federal criminal justice agency or information center; or
34 2. Any law enforcement agency other than a law enforcement
35 agency of the State or a political subdivision of the State.

36 **Article 27 - Crimes and Punishments**

37 743.

38 (a) As used in this subtitle, the following words have the meanings indicated.

39 (e) "Criminal history record information" means data initiated or collected by a
40 criminal justice agency on a person pertaining to a reportable event and includes data

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1 from an agency that is required to report to the central repository under Title 12 of the
2 Health - General Article. The term does not include:

3 (2) Data pertaining to a proceeding under Subtitle 8 of Title 3 of the Courts
4 Article (Juvenile Causes), but it does include:

5 (i) Data pertaining to a person following waiver of jurisdiction by a
6 juvenile court; and

7 (ii) Information described under § 747(a)(21) and (22), AND § 747A of
8 this subtitle;

9 (f) "Criminal justice agency" means any government agency or subunit of any
10 such agency which is authorized by law to exercise the power of arrest, detention,
11 prosecution, adjudication, correctional supervision, custodial treatment or confinement
12 under Title 12 of the Health - General Article, rehabilitation, or release of persons
13 suspected, charged, or convicted of a crime or relieved of criminal punishment by a
14 verdict of not criminally responsible, or is responsible for criminal identification activities
15 and the collection, storage, and dissemination of criminal history record information, and
16 which allocates a substantial portion of its annual budget to any of these functions. The
17 term does not include the Department of Juvenile Justice or a juvenile court, except as
18 provided under § 747(a)(21) and (22), AND § 747A of this subtitle, but it does include the
19 following agencies, when exercising jurisdiction over criminal matters or alternative
20 dispositions of criminal matters, or criminal history record information:

21 (1) State, county, and municipal police departments and agencies, sheriffs'
22 offices, correctional facilities, jails, and detention centers;

23 (2) Any agency required to report to the central repository under § 12-107
24 or § 12-112 of the Health - General Article;

25 (3) The offices of the Attorney General, the State's Attorneys, and any
26 other person authorized by law to prosecute persons accused of criminal offenses; or

27 (4) The Administrative Office of the Courts, the Court of Appeals, the
28 Court of Special Appeals, the circuit courts, the District Court of Maryland, and the
29 offices of the clerks of these courts.

30 747.

31 (a) The following events are reportable events under this subtitle:

32 (21) An adjudication of a child as delinquent:

33 (i) If the child is at least 14 years old, for an act described in §
34 3-804(e)(1) of the Courts and Judicial Proceedings Article; and

35 (ii) If the child is at least 16 years old, for an act described in §
36 3-804(e)(4) or (5) of the Courts and Judicial Proceedings Article; [and]

37 (22) AN ADJUDICATION OF A CHILD AS DELINQUENT AFTER THE CHILD
38 HAS BECOME AN ADULT, UNLESS THE CHILD'S JUVENILE COURT RECORD IS SEALED
39 UNDER § 3-828(C) OF THE COURTS ARTICLE; AND

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1 (23) Any other event arising out of or occurring during the course of
2 criminal justice proceedings declared to be reportable by rule or regulation of the
3 Secretary or the Court of Appeals.

4 750A.

5 (b) Notwithstanding § 3-828(a) of the Courts and Judicial Proceedings Article, a
6 reportable event described under § 747(a)(21) AND (22) of this subtitle and fingerprinting
7 of a child required under § 747A of this subtitle need not be maintained separate and
8 apart from those of adults.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 1996.