

Unofficial Copy
E3
SB 385/95 - JPR

1996 Regular Session
6lr0514

By: ~~Senator Bromwell~~ Senators Bromwell and Forehand

Introduced and read first time: January 18, 1996

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 28, 1996

CHAPTER ____

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; making certain stylistic changes; and generally relating to the
8 confidentiality of certain juvenile court 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)

2

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

3 **Article - Courts and Judicial Proceedings**

4 3-828.

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

8 (2) This subsection does not prohibit access to and the use of the court
9 record or fingerprints of a child described under ~~the Criminal Justice Information System~~
10 ~~subtitle of Article 27~~ ARTICLE 27, §§ 747(A)(21) AND (22) AND 747A of the Code in a
11 proceeding in the court involving the child, by personnel of the court, the State's
12 Attorney, counsel for the child, a court-appointed special advocate for the child, or
13 authorized personnel of the Department of Juvenile Justice, or, in a proceeding involving
14 a child alleged to be in need of assistance, by authorized personnel of the Social Services
15 Administration and local departments of social services of the Department of Human
16 Resources in order to conduct a child abuse or neglect investigation or to comply with
17 requirements imposed under Title IV-E of the Social Security Act.

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

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

28 ~~†(4)†~~ ~~(5)~~ (i) Except as provided in subparagraph (ii) of this paragraph,
29 this subsection does not prohibit access to and confidential use of the court record or
30 fingerprints of a child described under ~~the Criminal Justice Information System subtitle~~
31 ~~of Article 27~~ ARTICLE 27, §§ 747(A)(21) AND (22) AND 747A of the Code in an investigation
32 and prosecution by a law enforcement agency.

33 (ii) The court record or fingerprints of a child described under Article
34 27, §§ 747(a)(21) AND ~~(22)~~, (22) and 747A of the Code may not be disclosed to:

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

38 **Article 27 - Crimes and Punishments**

39 743.

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

3

1 (e) "Criminal history record information" means data initiated or collected by a
2 criminal justice agency on a person pertaining to a reportable event and includes data
3 from an agency that is required to report to the central repository under Title 12 of the
4 Health - General Article. The term does not include:

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

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

9 (ii) Information described under § 747(a)(21) and ~~(22)~~, (22) AND §
10 747A of this subtitle;

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

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

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

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

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

32 747.

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

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

35 (i) If the child is at least 14 years old, for an act described in §
36 3-804(e)(1) of the Courts and Judicial Proceedings Article; and

37 (ii) If the child is at least 16 years old, for an act described in §
38 ~~3-804(e)(4) or (5)~~ § 3-804(E)(4) of the Courts and Judicial Proceedings Article; [and]

4

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

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

7 750A.

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

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