SENATE BILL 200

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CF 6lr0732

By: Senator Forehand Introduced and read first time: January 22, 1996 Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 Juvenile Records - Use by Local Pretrial and Correctional Agencies

3 FOR the purpose of providing access to and use of juvenile records by alocal pretrial

- 4 agency under certain conditions; providing access to and use of juvenile records by
- 5 a local correctional agency; making technical changes; providing that an
- 6 adjudication and disposition of a child is admissable in court undercertain
- 7 conditions; and generally relating to juvenile records.

8 BY repealing and reenacting, without amendments,

- 9 Article Courts and Judicial Proceedings
- 10 Section 3-824(b)
- 11 Annotated Code of Maryland
- 12 (1995 Replacement Volume and 1995 Supplement)

13 BY repealing and reenacting, with amendments,

- 14 Article Courts and Judicial Proceedings
- 15 Section 3-824(c) and (d) and 3-828
- 16 Annotated Code of Maryland
- 17 (1995 Replacement Volume and 1995 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

19 MARYLAND, That the Laws of Maryland read as follows:

- 20 Article Courts and Judicial Proceedings
- 21 3-824.
- (b) An adjudication and disposition of a child pursuant to this subtitle are notadmissible as evidence against the child:
- 24 (1) In any criminal proceeding prior to conviction; or
- 25 (2) In any adjudicatory hearing on a petition alleging delinquency; or
- 26 (3) In any civil proceeding not conducted under this subtitle.

(c) AN ADJUDICATION AND DISPOSITION OF A CHILD PURSUANT TO THISSUBTITLE IS ADMISSIBLE IN A COURT OF COMPETENT JURISDICTION WHEN A LOCAL

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1 PRETRIAL AGENCY IS MAKING RECOMMENDATIONS TO THE COURT FOR THE 2 PURPOSE OF DETERMINING PRETRIAL RELEASE.

3 (D) Evidence given in a proceeding under this subtitle is not admissible against the 4 child in any other proceeding in another court, except in a criminal proceeding where the 5 child is charged with perjury and the evidence is relevant to that charge and is otherwise 6 admissible.

7 [(d)] (E) An adjudication or disposition of a child under this subtitle shall not
8 disqualify the child with respect to employment in the civil service of the State or any
9 subdivision of the State.

10 3-828.

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(a) 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 § 7-302.1
of the Education Article. This subsection does not prohibit access to and confidential use
of the record by the Department of Juvenile Justice or in the investigation and
prosecution of the child by any law enforcement agency.

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

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

30 (3) Information obtained from a juvenile court record by authorized
31 personnel of the Department of Human Resources under paragraph (2) of this subsection
32 is subject to the provisions of Article 88A, § 6 of the Code.

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

(ii) The court record or fingerprints of a child describedunder Article
27, §§ 747(a)(21) and 747A of the Code may not be disclosed to:

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1. A federal criminal justice agency or information center; or

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12. Any law enforcement agency other than a law enforcement2 agency of the State or a political subdivision of the State.

3 (c) The court, on its own motion or on petition, and for good cause shown, may
4 order the court records of a child sealed, and, upon petition or on itsown motion, shall
5 order them sealed after the child has reached 21 years of age. If sealed, the court records
6 of a child may not be opened, for any purpose, except by order of the court upon good
7 cause shown.

8 (d) This section does not prohibit access to or use of any juvenile record by the 9 Maryland Division of Parole and Probation or the Maryland Parole Commission when the 10 Division or the Commission is carrying out any of their statutory duties either at the 11 direction of a court of competent jurisdiction, or when the Maryland Parole Commission 12 is carrying out any of its statutory duties, if the record concerns a charge or adjudication 13 of delinquency.

14 (E) THIS SECTION DOES NOT PROHIBIT ACCESS TO AND USE OF ANY15 JUVENILE RECORD BY A LOCAL PRETRIAL AGENCY IN THE PREPARATION OF:

16 (1) RECOMMENDATIONS TO A COURT OF COMPETENT JURISDICTION
17 FOR A COURT HEARING FOR THE PURPOSE OF DETERMINING PRETRIAL RELEASE;
18 OR

19 (2) THE ASSESSMENT OF THE INDIVIDUAL FOR COMMUNITY20 SUPERVISION.

[(e)] (F) This section does not prohibit access to and use of any juvenile record by
the Maryland Division of Correction OR ANY LOCAL CORRECTIONAL AGENCY when
the Division OR THE LOCAL CORRECTIONAL AGENCY is carrying out any of its statutory
duties, INCLUDING THE ASSESSMENT AND CLASSIFICATION OF INDIVIDUALS, if:(1)
the individual to whom the record pertains is committed to the custody of the Division OR
THE LOCAL CORRECTIONAL AGENCY, INCLUDING THE ASSESSMENT AND
CLASSIFICATION OF INDIVIDUALS; and (2) the record concerns an adjudication of
delinquency.

[(f)] (G) Subject to the provisions of Article 83C, § 2-115 of the Code, this section
does not prohibit access to or use of any juvenile record for criminal justice research
purposes. A record used under this subsection may not contain the name of the individual
to whom the record pertains, or any other identifying information whichcould reveal the
individual's name.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 35 October 1, 1996.

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