

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL NO. 125

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Juvenile” insert “Court”; in the same line, after “Records - “ insert “Access and”; in the same line, strike “by Local Pretrial and Correctional Agencies” and substitute “for Pretrial Release”; and strike beginning with “access” in line 3 down through “records.” in line 7, and substitute “that a certain requirement of confidentiality of juvenile court records does not prohibit access to and use of the court record under certain circumstances for the purpose of determining a defendant’s eligibility for pretrial release; authorizing the Court of Appeals to adopt certain rules to implement this Act; and generally relating to access to and use of certain juvenile court records concerning an adjudication of delinquency under certain circumstances.”.

AMENDMENT NO. 2

On page 1, in line 10, strike “3-824(b)” and substitute “3-828(b)(1)”; in line 13, strike “repealing and reenacting, with amendments,” and substitute “adding to”; in line 15, strike “3-824(c) and (d) and”; and in the same line, after “3-828” insert “(b)(5)”.

AMENDMENT NO. 3

On pages 1 and 2, strike in their entirety the lines beginning with line 21 on page 1 through line 14 on page 2, inclusive.

On page 2, strike in their entirety lines 16 through 21, inclusive.

On pages 2 and 3, strike in their entirety the lines beginning with line 25 on page 2 through line 38 on page 3, inclusive, and substitute:

“(5)(I) THIS SUBSECTION DOES NOT PROHIBIT ACCESS TO AND USE OF A COURT RECORD BY A JUDICIAL OFFICER WHO IS AUTHORIZED UNDER THE MARYLAND RULES TO DETERMINE A DEFENDANT’S ELIGIBILITY FOR PRETRIAL

(Over)

RELEASE, COUNSEL FOR THE DEFENDANT, OR THE STATE'S ATTORNEY IF:

1. THE INDIVIDUAL WHO IS THE SUBJECT OF THE COURT RECORD IS CHARGED AS AN ADULT WITH AN OFFENSE;

2. THE INDIVIDUAL WAS PREVIOUSLY ADJUDICATED AS DELINQUENT;

3. THE ACCESS TO AND USE OF THE COURT RECORD IS STRICTLY LIMITED FOR THE PURPOSE OF DETERMINING THE DEFENDANT'S ELIGIBILITY FOR PRETRIAL RELEASE; AND

4. THE COURT RECORD CONCERNS AN ADJUDICATION OF DELINQUENCY THAT OCCURRED WITHIN 3 YEARS OF THE DATE THE INDIVIDUAL IS CHARGED AS AN ADULT.

(II) THE COURT OF APPEALS MAY ADOPT RULES TO IMPLEMENT THE PROVISIONS OF THIS PARAGRAPH.”.