

HB 275/96 - JUD

By: Delegate Turner

Requested: June 25, 1996

Introduced and read first time: January 8, 1997

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: February 4, 1997

CHAPTER ____

1 AN ACT concerning

2 **Juvenile Court Records - Access and Use for Pretrial Release**

3 FOR the purpose of providing that a certain requirement of confidentiality of juvenile
4 court records does not prohibit access to and use of the court record under certain
5 circumstances for the purpose of determining a defendant's eligibility for pretrial
6 release; authorizing the Court of Appeals to adopt certain rules to implement this
7 Act; and generally relating to access to and use of certain juvenile court records
8 concerning an adjudication of delinquency under certain circumstances.

9 BY repealing and reenacting, without amendments,
10 Article - Courts and Judicial Proceedings
11 Section 3-828(b)(1)
12 Annotated Code of Maryland
13 (1995 Replacement Volume and 1996 Supplement)

14 BY adding to
15 Article - Courts and Judicial Proceedings
16 Section 3-828(b)(5)
17 Annotated Code of Maryland
18 (1995 Replacement Volume and 1996 Supplement)

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

2

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 § 7-303 of the Education Article.

6 (5) (I) THIS SUBSECTION DOES NOT PROHIBIT ACCESS TO AND USE OF
7 A COURT RECORD BY A JUDICIAL OFFICER WHO IS AUTHORIZED UNDER THE
8 MARYLAND RULES TO DETERMINE A DEFENDANT'S ELIGIBILITY FOR PRETRIAL
9 RELEASE, COUNSEL FOR THE DEFENDANT, OR THE STATE'S ATTORNEY IF:

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

12 2. THE INDIVIDUAL WAS PREVIOUSLY ADJUDICATED AS
13 DELINQUENT;

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

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

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 1997.