
By: Delegate Doory

Introduced and read first time: January 29, 1997

Assigned to: Judiciary

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 under certain
4 circumstances; requiring the juvenile court record of an adjudication of a child to be
5 included as criminal history information under the Criminal Justice Information
6 System under certain circumstances; making certain stylistic changes; and generally
7 relating to the confidentiality of certain juvenile court records.

8 BY repealing and reenacting, with amendments,
9 Article - Courts and Judicial Proceedings
10 Section 3-828(b)
11 Annotated Code of Maryland
12 (1995 Replacement Volume and 1996 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article 27 - Crimes and Punishments
15 Section 743(a)
16 Annotated Code of Maryland
17 (1996 Replacement Volume)

18 BY repealing and reenacting, with amendments,
19 Article 27 - Crimes and Punishments
20 Section 743(e)(2) and (f), 747(a)(21) and (22), and 750A(b)
21 Annotated Code of Maryland
22 (1996 Replacement Volume)

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

25 **Article - Courts and Judicial Proceedings**

26 3-828.

27 (b) (1) A court record pertaining to a child is confidential and its contents may
28 not be divulged, by subpoena or otherwise, except by order of the court upon good cause
29 shown or as provided in § 7-303 of the Education Article.

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

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

14 (4) (i) Except as provided in subparagraph (ii) of this paragraph, this
 15 subsection does not prohibit access to and confidential use of the court record or
 16 fingerprints of a child described under [the Criminal Justice Information System subtitle
 17 of Article 27] ARTICLE 27, §§ 747(A)(21) AND (22) AND 747A of the Code in an
 18 investigation and prosecution by a law enforcement agency.

19 (ii) The court record or fingerprints of a child described under Article
 20 27, §§ 747(a)(21) AND (22) and 747A of the Code may not be disclosed to:

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

24 **Article 27 - Crimes and Punishments**

25 743.

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

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

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

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

35 (ii) Information described under § 747(a)(21) AND (22) and § 747A of
 36 this subtitle;

37 (f) "Criminal justice agency" means any government agency or subunit of any
 38 such agency which is authorized by law to exercise the power of arrest, detention,
 39 prosecution, adjudication, correctional supervision, custodial treatment or confinement
 40 under Title 12 of the Health - General Article, rehabilitation, or release of persons

3

1 suspected, charged, or convicted of a crime or relieved of criminal punishment by a
2 verdict of not criminally responsible, or is responsible for criminal identification activities
3 and the collection, storage, and dissemination of criminal history record information, and
4 which allocates a substantial portion of its annual budget to any of these functions. The
5 term does not include the Department of Juvenile Justice or a juvenile court, except as
6 provided under § 747(a)(21) AND (22) and § 747A of this subtitle, but it does include the
7 following agencies, when exercising jurisdiction over criminal matters or alternative
8 dispositions of criminal matters, or criminal history record information:

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

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

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

15 (4) The Administrative Office of the Courts, the Court of Appeals, the
16 Court of Special Appeals, the circuit courts, the District Court of Maryland, and the
17 offices of the clerks of these courts.

18 747.

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

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

21 (i) If the child is at least 14 years old, for an act described in §
22 3-804(e)(1) of the Courts and Judicial Proceedings Article; [and] OR

23 (ii) If the child is at least 16 years old, for an act described in §
24 3-804(e)(4) or (5) of the Courts and Judicial Proceedings Article; [and]

25 (22) AN ADJUDICATION OF A CHILD AS DELINQUENT IF:

26 (I) THE CHILD IS AT LEAST 16 YEARS OF AGE;

27 (II) THE ADJUDICATION OF DELINQUENCY IS FOR AN ACT THAT
28 WOULD BE PUNISHABLE BY A TERM OF IMPRISONMENT IF COMMITTED BY AN
29 ADULT; AND

30 (III) THE CHILD HAS PREVIOUSLY BEEN ADJUDICATED
31 DELINQUENT ON AT LEAST TWO SEPARATE OCCASIONS FOR ACTS THAT WOULD
32 HAVE BEEN PUNISHABLE BY TERMS OF IMPRISONMENT IF COMMITTED BY AN
33 ADULT; AND

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

4

1 750A.

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

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