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SB 200/96 - JPR

1997 Regular Session
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By: Senator Forehand

Introduced and read first time: January 9, 1997
Assigned to: Judicial Proceedings

Committee Report: Favorable
Senate action: Adopted
Read second time: February 19, 1997

CHAPTER ____

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 a local 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 admissible in court under certain
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 1996 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 1996 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.

22 (b) An adjudication and disposition of a child pursuant to this subtitle are not
23 admissible as evidence against the child:

2

- 1 (1) In any criminal proceeding prior to conviction; or
- 2 (2) In any adjudicatory hearing on a petition alleging delinquency; or
- 3 (3) In any civil proceeding not conducted under this subtitle.

4 (c) AN ADJUDICATION AND DISPOSITION OF A CHILD PURSUANT TO THIS
5 SUBTITLE IS ADMISSIBLE IN A COURT OF COMPETENT JURISDICTION WHEN A LOCAL
6 PRETRIAL AGENCY IS MAKING RECOMMENDATIONS TO THE COURT FOR THE
7 PURPOSE OF DETERMINING PRETRIAL RELEASE.

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

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

15 3-828.

16 (a) A police record concerning a child is confidential and shall be maintained
17 separate from those of adults. Its contents may not be divulged, by subpoena or otherwise,
18 except by order of the court upon good cause shown or as otherwise provided in § 7-303
19 of the Education Article. This subsection does not prohibit access to and confidential use
20 of the record by the Department of Juvenile Justice or in the investigation and
21 prosecution of the child by any law enforcement agency.

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

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

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

38 (4) (i) Except as provided in subparagraph (ii) of this paragraph, this
39 subsection does not prohibit access to and confidential use of the court record or
40 fingerprints of a child described under the Criminal Justice Information System subtitle

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1 of Article 27 of the Code in an investigation and prosecution by a law enforcement
2 agency.

3 (ii) The court record or fingerprints of a child described under Article
4 27, §§ 747(a)(21) and 747A of the Code may not be disclosed to:

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

6 2. Any law enforcement agency other than a law enforcement
7 agency of the State or a political subdivision of the State.

8 (c) The court, on its own motion or on petition, and for good cause shown, may
9 order the court records of a child sealed, and, upon petition or on its own motion, shall
10 order them sealed after the child has reached 21 years of age. If sealed, the court records
11 of a child may not be opened, for any purpose, except by order of the court upon good
12 cause shown.

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

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

21 (1) RECOMMENDATIONS TO A COURT OF COMPETENT JURISDICTION
22 FOR A COURT HEARING FOR THE PURPOSE OF DETERMINING PRETRIAL RELEASE;
23 OR

24 (2) THE ASSESSMENT OF THE INDIVIDUAL FOR COMMUNITY
25 SUPERVISION.

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

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

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

