
By: **Harford County Delegation**

Introduced and read first time: February 13, 1998

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Harford County - Treatment and Prevention of Drug Abuse by Children**

3 FOR the purpose of permitting, in Harford County only, access to or use or sharing of
4 a juvenile record by participants in a consortium of agencies and institutions
5 that develop a comprehensive plan for the treatment and prevention of drug
6 abuse by children under certain circumstances; authorizing certain educational
7 institutions and the County Board of Education to disclose certain information
8 obtained from a student seeking to overcome drug abuse to participants in the
9 consortium under certain circumstances; requiring participants in the
10 consortium to develop policies and procedures to safeguard the confidentiality of
11 a juvenile record or information obtained from a student under this Act;
12 defining certain terms; providing for the termination of this Act; and generally
13 relating to the treatment and prevention of drug abuse by children in Harford
14 County.

15 BY repealing and reenacting, without amendments,
16 Article - Courts and Judicial Proceedings
17 Section 3-828(a) and (b)(1)
18 Annotated Code of Maryland
19 (1995 Replacement Volume and 1997 Supplement)

20 BY adding to
21 Article - Courts and Judicial Proceedings
22 Section 3-828(h)
23 Annotated Code of Maryland
24 (1995 Replacement Volume and 1997 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article - Education
27 Section 7-412
28 Annotated Code of Maryland
29 (1997 Replacement Volume and 1997 Supplement)

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

3 **Article - Courts and Judicial Proceedings**

4 3-828.

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

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

14 (H) (1) IN THIS SUBSECTION, "DRUG ABUSE" HAS THE MEANING STATED IN §
15 8-101 OF THE HEALTH - GENERAL ARTICLE.

16 (2) THIS SUBSECTION APPLIES ONLY TO HARFORD COUNTY.

17 (3) THIS SECTION DOES NOT PROHIBIT ACCESS TO OR USE OR SHARING
18 OF A JUVENILE RECORD BY A LAW ENFORCEMENT, SOCIAL SERVICES, HEALTH, OR
19 OTHER GOVERNMENTAL AGENCY, AN EDUCATIONAL INSTITUTION THAT HAS
20 RECEIVED A CERTIFICATE OF APPROVAL UNDER § 2-206 OF THE EDUCATION
21 ARTICLE, OR THE COUNTY BOARD OF EDUCATION, IF EACH AGENCY OR INSTITUTION
22 THAT REQUESTS THE RECORD IS A PARTICIPANT IN A CONSORTIUM OF AGENCIES
23 AND INSTITUTIONS THAT DEVELOP A COMPREHENSIVE PLAN FOR THE TREATMENT
24 AND PREVENTION OF DRUG ABUSE BY CHILDREN.

25 (4) ACCESS TO OR USE OR SHARING OF A JUVENILE RECORD UNDER
26 THIS SUBSECTION IS LIMITED TO THE TREATMENT AND PREVENTION OF DRUG
27 ABUSE BY THE CHILD TO WHOM THE RECORD RELATES.

28 (5) EACH PARTICIPANT IN THE CONSORTIUM SHALL DEVELOP POLICIES
29 AND PROCEDURES TO SAFEGUARD THE CONFIDENTIALITY AND USE OF A JUVENILE
30 RECORD OBTAINED UNDER THIS SUBSECTION.

31 **Article - Education**

32 7-412.

33 (a) If a student seeks information to overcome any form of drug abuse, as
34 defined in § 8-101 of the Health - General Article, from a teacher, counselor,
35 principal, or other professional educator employed by an educational institution that
36 has received a certificate of approval under § 2-206 of this article, a statement,
37 whether oral or written, made by the student or an observation or conclusion derived
38 from the statement is not admissible against the student in any proceeding.

1 (b) A rule, regulation, or order may not require disclosure of any report,
2 statement, observation, conclusion, or other information that has been assembled or
3 obtained by an educator through this contact.

4 (C) (1) IN THIS SUBSECTION, "DRUG ABUSE" HAS THE MEANING STATED IN §
5 8-101 OF THE HEALTH - GENERAL ARTICLE.

6 (2) THIS SUBSECTION APPLIES ONLY TO HARFORD COUNTY.

7 (3) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, AND
8 SUBJECT TO PARAGRAPHS (4) AND (5) OF THIS SUBSECTION, IF AN EDUCATIONAL
9 INSTITUTION THAT HAS RECEIVED A CERTIFICATE OF APPROVAL UNDER § 2-206 OF
10 THIS ARTICLE OR THE COUNTY BOARD IS A PARTICIPANT IN A CONSORTIUM OF LAW
11 ENFORCEMENT, SOCIAL SERVICES, HEALTH, AND OTHER GOVERNMENTAL
12 AGENCIES THAT DEVELOP A COMPREHENSIVE PLAN FOR THE TREATMENT AND
13 PREVENTION OF DRUG ABUSE BY A STUDENT, INFORMATION OBTAINED FROM A
14 STUDENT UNDER SUBSECTION (A) OF THIS SECTION MAY BE DISCLOSED TO AN
15 AGENCY OR INSTITUTION THAT IS A PARTICIPANT IN THE CONSORTIUM.

16 (4) INFORMATION OBTAINED FROM A STUDENT UNDER SUBSECTION (A)
17 OF THIS SECTION MAY BE DISCLOSED TO A PARTICIPANT IN THE CONSORTIUM ONLY
18 IF:

19 (I) THE STUDENT CONSENTS TO THE DISCLOSURE OF THE
20 INFORMATION TO THE PARENTS OF THE STUDENT AND TO THE PARTICIPANTS IN
21 THE CONSORTIUM; AND

22 (II) A PARENT OF THE STUDENT CONSENTS TO THE DISCLOSURE
23 OF THE INFORMATION TO THE PARTICIPANTS IN THE CONSORTIUM.

24 (5) INFORMATION MAY BE DISCLOSED UNDER PARAGRAPH (3) OF THIS
25 SUBSECTION ONLY FOR THE PURPOSES OF TREATMENT AND PREVENTION OF DRUG
26 ABUSE BY THE STUDENT FROM WHOM THE INFORMATION IS OBTAINED.

27 (6) EACH PARTICIPANT IN THE CONSORTIUM SHALL DEVELOP POLICIES
28 AND PROCEDURES TO SAFEGUARD THE CONFIDENTIALITY AND USE OF
29 INFORMATION OBTAINED UNDER THIS SUBSECTION.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 1998. It shall remain effective for a period of 3 years and, at the end of
32 September 30, 2001, with no further action required by the General Assembly, this
33 Act shall be abrogated and of no further force and effect.