

SENATE BILL 196

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HB 968/98 - JUD

1999 Regular Session
9r1333

By: **Senators Jacobs, Hooper, and Collins**
Introduced and read first time: February 1, 1999
Assigned to: Judicial Proceedings

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 (1998 Replacement Volume)

20 BY adding to
21 Article - Courts and Judicial Proceedings
22 Section 3-828(h)
23 Annotated Code of Maryland
24 (1998 Replacement Volume)

25 BY repealing and reenacting, with amendments,
26 Article - Education
27 Section 7-412
28 Annotated Code of Maryland
29 (1997 Replacement Volume and 1998 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) (1) A police record concerning a child is confidential and shall be
6 maintained separate from those of adults. Its contents may not be divulged, by
7 subpoena or otherwise, except by order of the court upon good cause shown or as
8 otherwise provided in § 7-303 of the Education Article.

9 (2) This subsection does not prohibit:

10 (i) Access to and confidential use of the record by the Department
11 of Juvenile Justice or in the investigation and prosecution of the child by any law
12 enforcement agency; or

13 (ii) A law enforcement agency of the State or of a political
14 subdivision of the State or the criminal justice information system from including, in
15 the law enforcement computer information system, information about an outstanding
16 juvenile court ordered writ of attachment, for the sole purpose of apprehending a child
17 named in the writ.

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

21 (H) (1) IN THIS SUBSECTION, "DRUG ABUSE" HAS THE MEANING STATED IN §
22 8-101 OF THE HEALTH - GENERAL ARTICLE.

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

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

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

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

1

Article - Education

2 7-412.

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

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

12 (C) (1) IN THIS SUBSECTION, "DRUG ABUSE" HAS THE MEANING STATED IN §
13 8-101 OF THE HEALTH - GENERAL ARTICLE.

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

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

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

27 (I) THE STUDENT CONSENTS TO THE DISCLOSURE OF THE
28 INFORMATION TO THE PARENTS OR GUARDIAN OF THE STUDENT AND TO THE
29 PARTICIPANTS IN THE CONSORTIUM; AND

30 (II) A PARENT OR GUARDIAN OF THE STUDENT CONSENTS TO THE
31 DISCLOSURE OF THE INFORMATION TO THE PARTICIPANTS IN THE CONSORTIUM.

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

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

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 1999. It shall remain effective for a period of 3 years and, at the end of
3 September 30, 2002, with no further action required by the General Assembly, this
4 Act shall be abrogated and of no further force and effect.