
By: **Delegates Barve, Barkley, La Vay, and Stern**
Introduced and read first time: February 9, 2001
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Offender Registry - Juvenile Delinquents**

3 FOR the purpose of requiring a juvenile adjudicated delinquent for an act that would
4 be a crime if committed by an adult to register on a certain offender registry
5 under certain circumstances; providing that certain confidentiality provisions
6 relating to juvenile records do not prohibit a juvenile from providing information
7 for purposes of registering on a certain offender registry; and generally relating
8 to the registration of juveniles on an offender registry.

9 BY repealing and reenacting, with amendments,
10 Article - Courts and Judicial Proceedings
11 Section 3-828
12 Annotated Code of Maryland
13 (1998 Replacement Volume and 2000 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Criminal Procedure
16 Section 11-702
17 Annotated Code of Maryland
18 (As enacted by Chapter ____ (S.B. 1) of the Acts of the General Assembly of 2001)

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

21 **Article - Courts and Judicial Proceedings**

22 3-828.

23 (a) (1) A police record concerning a child is confidential and shall be
24 maintained separate from those of adults. Its contents may not be divulged, by
25 subpoena or otherwise, except by order of the court upon good cause shown or as
26 otherwise provided in § 7-303 of the Education Article.

27 (2) This subsection does not prohibit:

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

4 (ii) A law enforcement agency of the State or of a political
5 subdivision of the State or the criminal justice information system from including, in
6 the law enforcement computer information system, information about an outstanding
7 juvenile court ordered writ of attachment, for the sole purpose of apprehending a child
8 named in the writ.

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

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

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

25 (4) (i) Except as provided in subparagraph (ii) of this paragraph, this
26 subsection does not prohibit access to and confidential use of the court record or
27 fingerprints of a child described under the Criminal Justice Information System
28 subtitle of Article 27 of the Code in an investigation and prosecution by a law
29 enforcement agency.

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

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

33 2. Any law enforcement agency other than a law enforcement
34 agency of the State or a political subdivision of the State.

35 (5) (i) This subsection does not prohibit access to and use of a court
36 record by a judicial officer who is authorized under the Maryland Rules to determine
37 a defendant's eligibility for pretrial release, counsel for the defendant, or the State's
38 Attorney if:

39 1. The individual who is the subject of the court record is
40 charged as an adult with an offense;

1 (3) is granted a probation before judgment after a finding of guilt for a
2 crime if the court, as a condition of probation, orders compliance with the
3 requirements of this subtitle; [or]

4 (4) is found not criminally responsible for a crime; OR

5 (5) IS ADJUDICATED DELINQUENT FOR AN ACT THAT WOULD BE A
6 CRIME IF COMMITTED BY AN ADULT.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2001.