
By: **Senator Harris**

Introduced and read first time: January 18, 2001

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law - Juvenile Court Records - Access by Victim**

3 FOR the purpose of authorizing access to a juvenile court record by a victim; and
4 generally relating to juvenile records.

5 BY repealing and reenacting, without amendments,
6 Article - Courts and Judicial Proceedings
7 Section 3-801(a) and (x)
8 Annotated Code of Maryland
9 (1998 Replacement Volume and 2000 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article - Courts and Judicial Proceedings
12 Section 3-828
13 Annotated Code of Maryland
14 (1998 Replacement Volume and 2000 Supplement)

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

17 **Article - Courts and Judicial Proceedings**

18 3-801.

19 (a) In this subtitle, the following words have the meanings indicated, unless
20 the context of their use indicates otherwise.

21 (x) (1) "Victim" means:

22 (i) A person who suffers direct or threatened physical, emotional,
23 or financial harm as a result of a delinquent act; or

24 (ii) An individual against whom an act specified in § 3-820.1(b) of
25 this subtitle is committed or alleged to have been committed.

1 (2) "Victim" includes a family member of a minor, disabled, or a deceased
2 victim.

3 (3) "Victim" includes, if the victim is not an individual, the victim's agent
4 or designee.

5 3-828.

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

10 (2) This subsection does not prohibit:

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

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

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

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

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

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

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

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

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

- 10 1. The individual who is the subject of the court record is
11 charged as an adult with an offense;
- 12 2. The access to and use of the court record is strictly limited
13 for the purpose of determining the defendant's eligibility for pretrial release; and
- 14 3. The court record concerns an adjudication of delinquency
15 that occurred within 3 years of the date the individual is charged as an adult.

16 (ii) The Court of Appeals may adopt rules to implement the
17 provisions of this paragraph.

18 (6) THIS SUBSECTION DOES NOT PROHIBIT ACCESS TO A COURT RECORD
19 OF A CHILD BY A VICTIM.

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

25 (d) This section does not prohibit access to or use of any juvenile record by the
26 Maryland Division of Parole and Probation or the Maryland Parole Commission when
27 the Division or the Commission is carrying out any of their statutory duties either at
28 the direction of a court of competent jurisdiction, or when the Maryland Parole
29 Commission is carrying out any of its statutory duties, if the record concerns a charge
30 or adjudication of delinquency.

31 (e) This section does not prohibit access to and use of any juvenile record by
32 the Maryland Division of Correction when the Division is carrying out any of its
33 statutory duties if: (1) the individual to whom the record pertains is committed to the
34 custody of the Division; and (2) the record concerns an adjudication of delinquency.

35 (f) Subject to the provisions of Article 83C, § 2-115 of the Code, this section
36 does not prohibit access to or use of any juvenile record for criminal justice research
37 purposes. A record used under this subsection may not contain the name of the

1 individual to whom the record pertains, or any other identifying information which
2 could reveal the individual's name.

3 (g) This section does not prohibit a victim who has filed a notification request
4 form from being notified of proceedings and events involving the defendant or child as
5 provided in this article or Article 27 of the Code.

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