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By: **Senator Harris**  
Introduced and read first time: January 18, 2001  
Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 20, 2001

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Juvenile Law - Juvenile Court Records - ~~Access by~~ Disclosure of**  
3 **Information to Victim**

4 FOR the purpose of authorizing ~~access to~~ disclosure of certain information in a  
5 juvenile court record ~~by~~ to a victim; and generally relating to juvenile records.

6 BY repealing and reenacting, without amendments,  
7 Article - Courts and Judicial Proceedings  
8 Section 3-801(a) and (x)  
9 Annotated Code of Maryland  
10 (1998 Replacement Volume and 2000 Supplement)

11 BY repealing and reenacting, with amendments,  
12 Article - Courts and Judicial Proceedings  
13 Section 3-828  
14 Annotated Code of Maryland  
15 (1998 Replacement Volume and 2000 Supplement)

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

18 **Article - Courts and Judicial Proceedings**

19 3-801.

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

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

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

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

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

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

10 3-828.

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

15 (2) This subsection does not prohibit:

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

19 (ii) A law enforcement agency of the State or of a political  
20 subdivision of the State or the criminal justice information system from including, in  
21 the law enforcement computer information system, information about an outstanding  
22 juvenile court ordered writ of attachment, for the sole purpose of apprehending a child  
23 named in the writ.

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

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

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

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

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

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

12 2. Any law enforcement agency other than a law enforcement  
13 agency of the State or a political subdivision of the State.

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

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

20 2. The access to and use of the court record is strictly limited  
21 for the purpose of determining the defendant's eligibility for pretrial release; and

22 3. The court record concerns an adjudication of delinquency  
23 that occurred within 3 years of the date the individual is charged as an adult.

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

26 (6) ~~THIS SUBSECTION DOES NOT PROHIBIT ACCESS TO A COURT RECORD~~  
27 ~~OF A CHILD BY A VICTIM DISCLOSURE TO A VICTIM OF THE DISPOSITION UNDER §~~  
28 ~~3-820 OF THIS SUBTITLE AND ANY FINDING NOT OTHERWISE PROTECTED UNDER~~  
29 ~~STATE OR FEDERAL LAW.~~

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

35 (d) This section does not prohibit access to or use of any juvenile record by the  
36 Maryland Division of Parole and Probation or the Maryland Parole Commission when  
37 the Division or the Commission is carrying out any of their statutory duties either at  
38 the direction of a court of competent jurisdiction, or when the Maryland Parole

1 Commission is carrying out any of its statutory duties, if the record concerns a charge  
2 or adjudication of delinquency.

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

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

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

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