

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 943

(Delegate Montague, *et al.*)

Judiciary

Judicial Proceedings

Juvenile Justice - Criminal History Record Information - Dissemination

This bill authorizes the Criminal Justice Information System Central Repository, when a juvenile has been charged as an adult, to disseminate to the Maryland Justice Analysis Center unique identifiers relating to the child, including name, fingerprint identification numbers, and record or file numbers. The bill prohibits the Maryland Justice Analysis Center from disseminating criminal history record information except in accordance with State law.

Fiscal Summary

State Effect: The requirements of this bill could be handled with the existing budgeted resources of the Department of Public Safety and Correctional Services (DPSCS).

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The Criminal Justice Information System (CJIS) and the Criminal Justice Information Advisory Board are in DPSCS for administrative and budgetary purposes only. Except in accordance with applicable federal law and regulations, a criminal justice unit and the CJIS Central Repository may not disseminate criminal history record information.

The central repository is required to monthly disseminate information concerning a child charged as an adult to the Maryland Justice Analysis Center of the Institute of Criminal

Justice and Criminology of the University of Maryland. In addition to any reportable event, under existing provisions of the subtitle, the central repository must include in its dissemination of information to the center the age, race, and gender of the child.

The central repository may not disseminate to the center any unique identifiers relating to a child, including name, fingerprint identification numbers, and record or file numbers. The information disseminated to the center must be used only for research, evaluation, and statistical analysis purposes.

By June 30 and December 31 of each year, the center is required to report to the Governor and the General Assembly, on the results of its research, evaluation, and analysis.

A criminal justice unit and the central repository may not maintain or disseminate criminal history record information in a way that is inconsistent with certain confidentiality provisions of the Courts Article. Criminal history record information on a child and a record of the required fingerprinting of a child do not need to be maintained separate from such records on adults.

Background: CJIS is the database containing the criminal history record information reflecting the official fingerprint-supported criminal record of each offender charged and adjudicated in Maryland. The CJIS Central Repository is administratively managed by DPSCS and is designated by the FBI as Maryland's State identification bureau for the exchange of criminal history records.

In recent years the scope of authorized and mandated record checks have expanded into areas with non-criminal justice purposes. These now include a range of business and professional licensing as well as employment in various childcare, educational, and recreational settings. Federal laws have expanded criminal history record checks to include caregivers who serve children, the elderly, and the disabled. Since 1994 the Central Repository has housed fingerprint-supported records of certain juveniles adjudicated delinquent for some serious crimes, as well as records of the issuance and withdrawal of juvenile writs of attachment since 1998.

Additional Information

Prior Introductions: None.

Cross File: SB 424 (Senator Jimeno) – Judicial Proceedings.

Information Source(s): Department of Public Safety and Correctional Services (Information Technology and Communications Division), Department of Legislative Services

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