

HOUSE BILL 918

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E3

2003 Regular Session  
3r2497  
CF SB 488

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By: **Delegates Sossi and Walkup**

Introduced and read first time: February 12, 2003

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Juvenile Records - Confidentiality - Exception for Records of Sexual**  
3                                   **Offenses**

4 FOR the purpose of authorizing a certain employer in certain facilities to access a  
5     certain part of the juvenile record of an employee or prospective employee if that  
6     part relates to a violation of certain sexual offenses; and generally relating to  
7     exceptions to juvenile record confidentiality.

8 BY repealing and reenacting, with amendments,  
9     Article - Courts and Judicial Proceedings  
10    Section 3-8A-27(b)(1)  
11    Annotated Code of Maryland  
12    (2002 Replacement Volume)

13 BY repealing and reenacting, with amendments,  
14    Article - Family Law  
15    Section 5-561(a)  
16    Annotated Code of Maryland  
17    (1999 Replacement Volume and 2002 Supplement)

18 BY repealing and reenacting, without amendments,  
19    Article - Family Law  
20    Section 5-561(b)  
21    Annotated Code of Maryland  
22    (1999 Replacement Volume and 2002 Supplement)

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

1 **Article - Courts and Judicial Proceedings**

2 3-8A-27.

3 (b) (1) A court record pertaining to a child is confidential and its contents  
4 may not be divulged, by subpoena or otherwise, except by order of the court upon good  
5 cause shown or as provided in § 7-303 of the Education Article OR § 5-561 OF THE  
6 FAMILY LAW ARTICLE.

7 **Article - Family Law**

8 5-561.

9 (a) Notwithstanding any provision of law to the [contrary,] CONTRARY:

10 (1) an employee and employer in a facility identified in subsection (b) of  
11 this section and persons identified in subsection (c) of this section shall apply for a  
12 national and State criminal history records check at any designated law enforcement  
13 office in this [State.] STATE; AND

14 (2) AN EMPLOYER IN A FACILITY IDENTIFIED IN SUBSECTION (B) OF  
15 THIS SECTION MAY ACCESS A PART OF A JUVENILE RECORD OF AN EMPLOYEE OR A  
16 PROSPECTIVE EMPLOYEE IF THAT PART RELATES TO A VIOLATION OF TITLE 3,  
17 SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE.

18 (b) The following facilities shall require employees and employers to obtain a  
19 criminal history records check under this Part VI of this subtitle:

20 (1) a child care center required to be licensed under Part VII of this  
21 subtitle;

22 (2) a family day care home required to be registered under Part V of this  
23 subtitle;

24 (3) a child care home required to be licensed under this subtitle or under  
25 Article 83C of the Code;

26 (4) a child care institution required to be licensed under this subtitle or  
27 under Article 83C of the Code;

28 (5) a juvenile detention, correction, or treatment facility provided for in  
29 Article 83C of the Code;

30 (6) a public school as defined in Title 1 of the Education Article;

31 (7) a private or nonpublic school required to report annually to the State  
32 Board of Education under Title 2 of the Education Article;

33 (8) a foster care family home or group facility as defined under this  
34 subtitle;

1           (9)       a recreation center or recreation program operated by State or local  
2 government primarily serving minors; or

3           (10)     a day or residential camp, as defined in Title 10, Subtitle 16 of the  
4 Code of Maryland Regulations, primarily serving minors.

5       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2003.