
By: **Senator Pipkin**

Introduced and read first time: January 31, 2003

Assigned to: Judicial Proceedings

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.