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By: **Delegate Hennessy**  
Introduced and read first time: February 13, 2004  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Maryland Criminal Justice Information System -**  
3 **Criminal Justice Units**

4 FOR the purpose of including the office of the United States Attorney for any  
5 jurisdiction within the definition of a criminal justice unit; providing that for  
6 purposes of certain agreements between the Criminal Justice Information  
7 System Central Repository and certain federal criminal justice units, the  
8 penalties specified for failure to comply with certain provisions of law may be  
9 limited to revocation of the agreements; requiring the Secretary of Public Safety  
10 and Correctional Services and the Chief Judge of the Court of Appeals to develop  
11 certain procedures to share certain criminal history information with federal  
12 criminal justice units; and generally relating to the Maryland Criminal Justice  
13 Information System.

14 BY repealing and reenacting, with amendments,  
15 Article - Criminal Procedure  
16 Section 10-201(f), 10-217, and 10-218  
17 Annotated Code of Maryland  
18 (2001 Volume and 2003 Supplement)

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

21 **Article - Criminal Procedure**

22 10-201.

23 (f) (1) "Criminal justice unit" means a government unit or subunit that  
24 allocates a substantial part of its annual budget to any of the following functions and  
25 that by law:

26 (i) may arrest, detain, prosecute, or adjudicate persons suspected  
27 of or charged with a crime;

1 (ii) is responsible for the custodial treatment or confinement under  
2 Title 3 of this article of persons charged or convicted of a crime or relieved of criminal  
3 punishment by reason of a verdict of not criminally responsible;

4 (iii) is responsible for the correctional supervision, rehabilitation, or  
5 release of persons convicted of a crime; or

6 (iv) is responsible for criminal identification activities and the  
7 collection, storage, and dissemination of criminal history record information.

8 (2) "Criminal justice unit" includes, when exercising jurisdiction over  
9 criminal matters, alternative dispositions of criminal matters, or criminal history  
10 record information:

11 (i) a State, county, or municipal police unit, sheriff's office, or  
12 correctional facility;

13 (ii) a unit required to report to the Central Repository under §  
14 3-107 or § 3-112 of this article;

15 (iii) the offices of the Attorney General, State's Attorneys, UNITED  
16 STATES ATTORNEY FOR ANY JURISDICTION, and any other person or unit that by law  
17 may prosecute persons accused of a crime; and

18 (iv) the Administrative Office of the Courts, the Court of Appeals,  
19 the Court of Special Appeals, the circuit courts, the District Court of Maryland, and  
20 the offices of the clerks of these courts.

21 (3) Except as provided in §§ 10-215(a)(21) and (22), 10-216(d), and  
22 10-220 of this subtitle, "criminal justice unit" does not include:

23 (i) the Department of Juvenile Services; or

24 (ii) a juvenile court.

25 10-217.

26 (a) The Secretary and the Chief Judge of the Court of Appeals shall develop  
27 agreements between the Central Repository and each criminal justice unit.

28 (b) The agreements required by this section shall include provisions on:

29 (1) the method the criminal justice unit will use to report criminal  
30 history record information, including a method of identifying an offender in a way  
31 that allows other criminal justice units to locate the offender at any stage in the  
32 criminal justice system, the time of reporting, the specific data to be reported, and the  
33 place of reporting;

34 (2) the services the Central Repository is to provide to the criminal  
35 justice unit;

1 (3) the conditions and limitations on dissemination of criminal history  
2 record information by the criminal justice unit;

3 (4) the maintenance of security in all transactions between the Central  
4 Repository and the criminal justice unit;

5 (5) the method of complying with the right of a person to inspect,  
6 challenge, and correct criminal history record information that the criminal justice  
7 unit keeps;

8 (6) the audit requirements to be used to ensure the accuracy of criminal  
9 history record information reported or disseminated;

10 (7) the timetable to carry out the agreement;

11 (8) SUBJECT TO SUBSECTION (C) OF THIS SECTION, the penalties to be  
12 imposed if a criminal justice unit fails to comply with this subtitle, including the  
13 revocation of the agreement between the unit and the Central Repository and  
14 appropriate judicial or administrative proceedings to enforce compliance; and

15 (9) any other matter that the Secretary and the Chief Judge of the Court  
16 of Appeals consider necessary.

17 (C) PENALTIES IMPOSED ON A FEDERAL CRIMINAL JUSTICE UNIT FOR  
18 FAILURE TO COMPLY WITH THIS SUBTITLE MAY BE LIMITED TO REVOCATION OF THE  
19 AGREEMENT BETWEEN THE CRIMINAL JUSTICE UNIT AND THE CENTRAL  
20 REPOSITORY.

21 10-218.

22 The Secretary and the Chief Judge of the Court of Appeals [may] SHALL  
23 develop procedures consistent with this subtitle to share criminal history record  
24 information with federal criminal justice units and MAY DEVELOP PROCEDURES  
25 CONSISTENT WITH THIS SUBTITLE TO SHARE CRIMINAL HISTORY RECORD  
26 INFORMATION WITH criminal justice units of other states and countries.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2004.