

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 882

(Chair, Judiciary Committee) (By Request – Departmental –
Juvenile Services)

Judiciary

Judicial Proceedings

Juvenile Services - Release of Confidential Information

This departmental bill authorizes a law enforcement agency to release a photograph and information identifying a child who has escaped from a juvenile detention center or a secure residential facility to aid in the child's apprehension. The bill specifies that the release of this information does not violate confidentiality protections for juvenile police records.

Fiscal Summary

State Effect: The change would not materially affect State finances.

Local Effect: None.

Small Business Effect: The Department of Juvenile Services has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: A police record concerning a child is confidential and must be maintained separate from those of adults. Its contents may only be divulged by order of the court, except to notify a local superintendent of an arrest. This provision does not prohibit use of the record by DJS or law enforcement for purposes of investigation or prosecution and does not prohibit use of the information for apprehending a child named in a juvenile court ordered writ. The Baltimore City Health Department is currently

authorized to access the record under certain circumstances; however, this authorization terminates September 30, 2008.

The provision does not prohibit access to or use of any juvenile record by the Maryland Division of Parole and Probation, Maryland Parole Commission, or Maryland Division of Correction in carrying out any of their statutory duties. It also does not prohibit the notification of a victim of a proceeding or event involving a juvenile defendant. A record may be used for criminal justice research purposes as long as it does not include the juvenile's name or identifying information.

Background: This bill is intended to provide law enforcement agencies with additional tools for apprehending youth who have escaped from a detention center or secure residential facility. DJS advises that release of information is intended for escaped youth who have been adjudicated delinquent for committing an offense that would be a crime of violence if committed by an adult or those awaiting adjudication for such an offense.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Juvenile Services, Anne Arundel County, Department of Legislative Services

Fiscal Note History: First Reader - March 4, 2008
mll/hlb

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