

# HOUSE BILL 1382

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

Introduced and read first time: February 23, 2009

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law – Juvenile Records – Disclosure**

3 FOR the purpose of authorizing a certain State or federal agency to access juvenile  
4 court records and fingerprints of a certain child; authorizing an officer or  
5 employee of any State or local government agency to access juvenile court  
6 records and fingerprints of a certain child for certain purposes and under  
7 certain circumstances; and generally relating to juvenile records.

8 BY repealing and reenacting, with amendments,  
9 Article – Courts and Judicial Proceedings  
10 Section 3–8A–27(b)  
11 Annotated Code of Maryland  
12 (2006 Replacement Volume and 2008 Supplement)

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

15 **Article – Courts and Judicial Proceedings**

16 3–8A–27.

17 (b) (1) A court record pertaining to a child is confidential and its contents  
18 may not be divulged, by subpoena or otherwise, except by order of the court upon good  
19 cause shown or as provided in § 7–303 of the Education Article.

20 (2) This subsection does not prohibit access to and the use of the court  
21 record or fingerprints of a child described under Title 10, Subtitle 2 of the Criminal  
22 Procedure Article in a proceeding in the court involving the child, by personnel of the  
23 court, the State’s Attorney, counsel for the child, a court–appointed special advocate  
24 for the child, or authorized personnel of the Department of Juvenile Services.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   (3)   (i)   Except as provided in subparagraph (ii) of this paragraph,  
2 this subsection does not prohibit access to and confidential use of the court record or  
3 fingerprints of a child described under Title 10, Subtitle 2 of the Criminal Procedure  
4 Article by:

5                   1.   [the] **THE** Department of Juvenile Services, **OR A**  
6 **STATE OR FEDERAL AGENCY THAT PERFORMS THE SAME FUNCTIONS IN ITS**  
7 **JURISDICTION AS DESCRIBED IN § 9-216(A) OF THE HUMAN SERVICES**  
8 **ARTICLE;**

9                   2.   **AN OFFICER OR EMPLOYEE OF ANY STATE OR**  
10 **LOCAL GOVERNMENT AGENCY IF THE OFFICER OR EMPLOYEE IS ACTING IN AN**  
11 **OFFICIAL CAPACITY AND THE DISCLOSURE IS NECESSARY TO ADMINISTER**  
12 **PUBLIC ASSISTANCE, MEDICAL ASSISTANCE, SOCIAL SERVICES, JUVENILE**  
13 **SERVICES, OR OTHER CHILD WELFARE SERVICES PROGRAMS; or**

14                   3.   [in] **IN** an investigation and prosecution by a law  
15 enforcement agency.

16                   (ii)   The court record or fingerprints of a child described under §§  
17 10-215(a)(21) and (22), 10-216, and 10-220 of the Criminal Procedure Article may not  
18 be disclosed to:

19                   1.   A federal criminal justice agency or information  
20 center; or

21                   2.   Any law enforcement agency other than a law  
22 enforcement agency of the State or a political subdivision of the State.

23                   (4)   (i)   This subsection does not prohibit access to and use of a court  
24 record by a judicial officer who is authorized under the Maryland Rules to determine a  
25 defendant's eligibility for pretrial release, counsel for the defendant, or the State's  
26 Attorney if:

27                   1.   The individual who is the subject of the court record is  
28 charged as an adult with an offense;

29                   2.   The access to and use of the court record is strictly  
30 limited for the purpose of determining the defendant's eligibility for pretrial release;  
31 and

32                   3.   The court record concerns an adjudication of  
33 delinquency that occurred within 3 years of the date the individual is charged as an  
34 adult.

1 (ii) The Court of Appeals may adopt rules to implement the  
2 provisions of this paragraph.

3 (5) (i) This subsection does not prohibit access to and confidential  
4 use of a court record by the Baltimore City Health Department:

5 1. If the Baltimore City Health Department is providing  
6 treatment or care to a child who is the subject of the record, for a purpose relevant to  
7 the provision of the treatment or care;

8 2. If the record concerns a child convicted of a crime or  
9 adjudicated delinquent for an act that caused a death or near fatality; or

10 3. If the record concerns a victim of a crime of violence,  
11 as defined in § 14-101 of the Criminal Law Article, who is a child residing in  
12 Baltimore City for the purpose of developing appropriate programs and policies aimed  
13 at reducing violence against children in Baltimore City.

14 (ii) 1. The Baltimore City Health Department shall be liable  
15 for the unauthorized release of a court record under this paragraph.

16 2. Within 180 days after the Baltimore City Health  
17 Department accesses a court record under this paragraph, the Baltimore City Health  
18 Department shall submit a report to the court detailing the purposes for which the  
19 record was used.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2009.