

HOUSE BILL 1382

D4

9lr0185

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

Introduced and read first time: February 23, 2009

Assigned to: Rules and Executive Nominations

Re-referred to: Judiciary, March 2, 2009

Committee Report: Favorable

House action: Adopted

Read second time: March 23, 2009

CHAPTER _____

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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2) This subsection does not prohibit access to and the use of the court
2 record or fingerprints of a child described under Title 10, Subtitle 2 of the Criminal
3 Procedure Article in a proceeding in the court involving the child, by personnel of the
4 court, the State's Attorney, counsel for the child, a court-appointed special advocate
5 for the child, or authorized personnel of the Department of Juvenile Services.

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

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

14 2. **AN OFFICER OR EMPLOYEE OF ANY STATE OR**
15 **LOCAL GOVERNMENT AGENCY IF THE OFFICER OR EMPLOYEE IS ACTING IN AN**
16 **OFFICIAL CAPACITY AND THE DISCLOSURE IS NECESSARY TO ADMINISTER**
17 **PUBLIC ASSISTANCE, MEDICAL ASSISTANCE, SOCIAL SERVICES, JUVENILE**
18 **SERVICES, OR OTHER CHILD WELFARE SERVICES PROGRAMS; or**

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

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

24 1. A federal criminal justice agency or information
25 center; or

26 2. Any law enforcement agency other than a law
27 enforcement agency of the State or a political subdivision of the State.

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

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

1 2. The access to and use of the court record is strictly
2 limited for the purpose of determining the defendant’s eligibility for pretrial release;
3 and

4 3. The court record concerns an adjudication of
5 delinquency that occurred within 3 years of the date the individual is charged as an
6 adult.

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

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

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

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

16 3. If the record concerns a victim of a crime of violence,
17 as defined in § 14–101 of the Criminal Law Article, who is a child residing in
18 Baltimore City for the purpose of developing appropriate programs and policies aimed
19 at reducing violence against children in Baltimore City.

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

22 2. Within 180 days after the Baltimore City Health
23 Department accesses a court record under this paragraph, the Baltimore City Health
24 Department shall submit a report to the court detailing the purposes for which the
25 record was used.

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

Approved:

_____ Governor.

_____ Speaker of the House of Delegates.

_____ President of the Senate.