

# SENATE BILL 61

P3, E2

11r0110

---

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

Introduced and read first time: January 18, 2011

Assigned to: Judicial Proceedings

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Public Information Act – Documents Relating to Arrest Warrants**

3 FOR the purpose of expanding access by the Department of Juvenile Services to  
4 certain court files and records relating to arrest warrants; repealing certain  
5 redundant authority that allows access by the Department of Public Safety and  
6 Correctional Services to certain documents relating to arrest warrants; and  
7 generally relating to access to documents relating to arrest warrants under the  
8 Public Information Act.

9 BY repealing and reenacting, without amendments,  
10 Article – Criminal Procedure  
11 Section 10–201(f) and 10–239(h)  
12 Annotated Code of Maryland  
13 (2008 Replacement Volume and 2010 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – State Government  
16 Section 10–616(q)  
17 Annotated Code of Maryland  
18 (2009 Replacement Volume and 2010 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.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (f)   (1)   “Criminal justice unit” means a government unit or subunit that  
2 allocates a substantial part of its annual budget to any of the following functions and  
3 that by law:

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

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

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

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

13           (2)   “Criminal justice unit” includes, when exercising jurisdiction over  
14 criminal matters, alternative dispositions of criminal matters, or criminal history  
15 record information:

16                           (i)   a State, county, or municipal police unit, sheriff’s office, or  
17 correctional facility;

18                           (ii)   a unit required to report to the Central Repository under §  
19 3–107 or § 3–112 of this article;

20                           (iii)   the offices of the Attorney General, State’s Attorneys, and  
21 any other person or unit that by law may prosecute persons accused of a crime; and

22                           (iv)   the Administrative Office of the Courts, the Court of  
23 Appeals, the Court of Special Appeals, the circuit courts, the District Court of  
24 Maryland, and the offices of the clerks of these courts.

25           (3)   Except as provided in §§ 10–215(a)(21) and (22), 10–216(d), and  
26 10–220 of this subtitle, “criminal justice unit” does not include:

27                           (i)   the Department of Juvenile Services; or

28                           (ii)   a juvenile court.

29 10–239.

30           (h)   “Criminal justice agency”:

31                           (1)   means:

32                           (i)   courts; and

- 1 (ii) a governmental agency or any subunit thereof that:
- 2 1. performs the administration of criminal justice  
3 pursuant to a statute or executive order; and
- 4 2. allocates a substantial part of its annual budget to the  
5 administration of criminal justice; and
- 6 (2) includes federal and state inspectors general offices.

7 **Article – State Government**

8 10–616.

9 (q) (1) Except as provided in paragraph (4) of this subsection and subject  
10 to the provisions of paragraph (5) of this subsection, unless otherwise ordered by the  
11 court, files and records of the court pertaining to an arrest warrant issued pursuant to  
12 Maryland Rule 4–212(d)(1) or (2) and the charging document upon which the arrest  
13 warrant was issued may not be open to inspection until either:

14 (i) the arrest warrant has been served and a return of service  
15 has been filed in compliance with Maryland Rule 4–212(g); or

16 (ii) 90 days have elapsed since the arrest warrant was issued.

17 (2) Except as provided in paragraph (4) of this subsection and subject  
18 to the provisions of paragraph (5) of this subsection, unless otherwise ordered by the  
19 court, files and records of the court pertaining to an arrest warrant issued pursuant to  
20 a grand jury indictment or conspiracy investigation and the charging document upon  
21 which the arrest warrant was issued may not be open to inspection until all arrest  
22 warrants for any co–conspirators have been served and all returns of service have  
23 been filed in compliance with Maryland Rule 4–212(g).

24 (3) Subject to the provisions of paragraphs (1) and (2) of this  
25 subsection, unless sealed pursuant to Maryland Rule 4–201(d), the files and records  
26 shall be open to inspection.

27 (4) (i) Subject to subparagraph (ii) of this paragraph, the name,  
28 address, birth date, driver’s license number, sex, height, and weight of an individual  
29 contained in an arrest warrant issued pursuant to Maryland Rule 4–212(d)(1) or (2) or  
30 issued pursuant to a grand jury indictment or conspiracy investigation may be  
31 released to the Motor Vehicle Administration for use by the Administration for  
32 purposes of § 13–406.1 or § 16–204 of the Transportation Article.

33 (ii) Except as provided in subparagraph (i) of this paragraph,  
34 information contained in a charging document that identifies an individual may not be  
35 released to the Motor Vehicle Administration.

1           (5)    The provisions of paragraphs (1) and (2) of this subsection may not  
2 be construed to prohibit:

3                   (i)    the release of statistical information concerning unserved  
4 arrest warrants;

5                   (ii)   the release of information by a State's Attorney or peace  
6 officer concerning an unserved arrest warrant and the charging document upon which  
7 the arrest warrant was issued; or

8                   (iii)   inspection of files and records, of a court pertaining to an  
9 unserved arrest warrant and the charging document upon which the arrest warrant  
10 was issued, by:

11                           1.    a judicial officer;

12                           2.    any authorized court personnel;

13                           3.    a State's Attorney;

14                           4.    a peace officer;

15                           5.    a correctional officer who is authorized by law to serve  
16 an arrest warrant;

17                           6.    a bail bondsman, surety insurer, or surety who  
18 executes bail bonds who executed a bail bond for the individual who is subject to arrest  
19 under the arrest warrant;

20                           7.    an attorney authorized by the individual who is  
21 subject to arrest under the arrest warrant;

22                           8.    [the Department of Public Safety and Correctional  
23 Services or] the Department of Juvenile Services [for the purpose of notification of a  
24 victim under the provisions of § 11-507 of the Criminal Procedure Article]; or

25                           9.    a federal, State, or local criminal justice agency  
26 described under Title 10, Subtitle 2 of the Criminal Procedure Article.

27           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2011.