

# SENATE BILL 61

P3, E2

1lr0110

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

Introduced and read first time: January 18, 2011

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 1, 2011

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## CHAPTER \_\_\_\_\_

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 and charging  
5 documents; repealing certain redundant authority that allows access by the  
6 Department of Public Safety and Correctional Services to certain documents  
7 relating to arrest warrants and charging documents; providing that provisions  
8 of law prohibiting inspection of certain court files and records relating to arrest  
9 warrants and charging documents may not be construed to prohibit the release  
10 of information by the Department of Public Safety and Correctional Services or  
11 the Department of Juvenile Services for a certain purpose; and generally  
12 relating to access to documents relating to arrest warrants and charging  
13 documents under the Public Information Act.

14 BY repealing and reenacting, without amendments,  
15 Article – Criminal Procedure  
16 Section 10–201(f) and 10–239(h)  
17 Annotated Code of Maryland  
18 (2008 Replacement Volume and 2010 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article – State Government  
21 Section 10–616(q)  
22 Annotated Code of Maryland

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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 (2009 Replacement Volume and 2010 Supplement)

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

4 **Article – Criminal Procedure**

5 10–201.

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

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

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

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

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

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

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

23 (ii) a unit required to report to the Central Repository under §  
24 3–107 or § 3–112 of this article;

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

27 (iv) the Administrative Office of the Courts, the Court of  
28 Appeals, the Court of Special Appeals, the circuit courts, the District Court of  
29 Maryland, and the offices of the clerks of these courts.

30 (3) Except as provided in §§ 10–215(a)(21) and (22), 10–216(d), and  
31 10–220 of this subtitle, “criminal justice unit” does not include:

32 (i) the Department of Juvenile Services; or

1 (ii) a juvenile court.

2 10-239.

3 (h) "Criminal justice agency":

4 (1) means:

5 (i) courts; and

6 (ii) a governmental agency or any subunit thereof that:

7 1. performs the administration of criminal justice  
8 pursuant to a statute or executive order; and

9 2. allocates a substantial part of its annual budget to the  
10 administration of criminal justice; and

11 (2) includes federal and state inspectors general offices.

12 **Article – State Government**

13 10-616.

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

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

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

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

29 (3) Subject to the provisions of paragraphs (1) and (2) of this  
30 subsection, unless sealed pursuant to Maryland Rule 4-201(d), the files and records  
31 shall be open to inspection.

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

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

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

12           (i)   the release of statistical information concerning unserved  
13 arrest warrants;

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

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

- 20                   1.   a judicial officer;
- 21                   2.   any authorized court personnel;
- 22                   3.   a State's Attorney;
- 23                   4.   a peace officer;
- 24                   5.   a correctional officer who is authorized by law to serve  
25 an arrest warrant;
- 26                   6.   a bail bondsman, surety insurer, or surety who  
27 executes bail bonds who executed a bail bond for the individual who is subject to arrest  
28 under the arrest warrant;
- 29                   7.   an attorney authorized by the individual who is  
30 subject to arrest under the arrest warrant;

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

1                                   9.     a federal, State, or local criminal justice agency  
2 described under Title 10, Subtitle 2 of the Criminal Procedure Article; **OR**

3                                   **(IV) THE RELEASE OF INFORMATION BY THE DEPARTMENT**  
4 **OF PUBLIC SAFETY AND CORRECTIONAL SERVICES OR THE DEPARTMENT OF**  
5 **JUVENILE SERVICES FOR THE PURPOSE OF NOTIFICATION OF A VICTIM UNDER**  
6 **§ 11-507 OF THE CRIMINAL PROCEDURE ARTICLE.**

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.