

Chapter 15

(Senate Bill 61)

AN ACT concerning

Public Information Act – Documents Relating to Arrest Warrants

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

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

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–616(q)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

Article – Criminal Procedure

10–201.

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

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

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

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

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

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

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

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

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

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

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

(i) the Department of Juvenile Services; or

(ii) a juvenile court.

10–239.

(h) “Criminal justice agency”:

(1) means:

(i) courts; and

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

1. performs the administration of criminal justice pursuant to a statute or executive order; and
 2. allocates a substantial part of its annual budget to the administration of criminal justice; and
- (2) includes federal and state inspectors general offices.

Article – State Government

10–616.

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

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

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

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

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

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

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

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

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

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

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

1. a judicial officer;
2. any authorized court personnel;
3. a State's Attorney;
4. a peace officer;
5. a correctional officer who is authorized by law to serve an arrest warrant;

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

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

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

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

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

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

Approved by the Governor, April 12, 2011.