

SENATE BILL 247

E3

2lr0067

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

Introduced and read first time: January 25, 2012

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of authorizing the Department of Juvenile Services to provide access
4 to and confidential use of certain juvenile court records and fingerprints by a
5 certain State or federal agency under certain circumstances; repealing certain
6 provisions that limited access to a certain treatment plan of a child to an agency
7 in the District of Columbia or a state agency in Virginia; repealing the
8 requirement that a certain agency have custody of a certain child in order to
9 access certain information; and generally relating to juvenile records.

10 BY repealing and reenacting, with amendments,
11 Article – Courts and Judicial Proceedings
12 Section 3–8A–27(b)
13 Annotated Code of Maryland
14 (2006 Replacement Volume and 2011 Supplement)

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

17 **Article – Courts and Judicial Proceedings**

18 3–8A–27.

19 (b) (1) A court record pertaining to a child is confidential and its contents
20 may not be divulged, by subpoena or otherwise, except by order of the court upon good
21 cause shown or as provided in §§ 7–303 and 22–309 of the Education Article.

22 (2) This subsection does not prohibit access to and the use of the court
23 record or fingerprints of a child described under Title 10, Subtitle 2 of the Criminal
24 Procedure Article in a proceeding in the court involving the child, by personnel of the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 court, the State's Attorney, counsel for the child, a court-appointed special advocate
2 for the child, or authorized personnel of the Department of Juvenile Services.

3 (3) (i) Except as provided in subparagraph (ii) of this paragraph,
4 this subsection does not prohibit access to and confidential use of the court record or
5 fingerprints of a child described under Title 10, Subtitle 2 of the Criminal Procedure
6 Article by the Department of Juvenile Services or in an investigation and prosecution
7 by a law enforcement agency.

8 (ii) The court record or fingerprints of a child described under §§
9 10-215(a)(20) and (21), 10-216, and 10-220 of the Criminal Procedure Article may not
10 be disclosed to:

11 1. A federal criminal justice agency or information
12 center; or

13 2. Any law enforcement agency other than a law
14 enforcement agency of the State or a political subdivision of the State.

15 (4) (i) The Department of Juvenile Services may provide access to
16 and the confidential use of [a treatment plan] **COURT RECORDS OR FINGERPRINTS**
17 of a child described under Title 10, Subtitle 2 of the Criminal Procedure Article by [an]
18 **A STATE OR FEDERAL** agency [in the District of Columbia or a state agency in
19 Virginia], if the agency:

20 1. Performs the same functions in the jurisdiction of the
21 agency as described in § 9-216(a) of the Human Services Article; **AND**

22 2. Has a reciprocal agreement with the State that
23 provides that the specific information to be shared by the State is the same type of
24 information that will be shared by the agency[; and

25 3. Has custody of the child].

26 (ii) A record that is shared under this paragraph may only
27 provide information that is relevant to the supervision, care, and treatment of the
28 child.

29 (iii) The Department of Juvenile Services shall be liable for an
30 unauthorized release of a court record under this paragraph.

31 (iv) The Department of Juvenile Services shall adopt regulations
32 to implement this paragraph.

33 (5) (i) This subsection does not prohibit access to and use of a court
34 record by a judicial officer who is authorized under the Maryland Rules to determine a

1 defendant's eligibility for pretrial release, counsel for the defendant, the State's
2 Attorney, or the Maryland Division of Pretrial Detention and Services if:

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

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

8 3. The court record concerns an adjudication of
9 delinquency that occurred within 3 years of the date the individual is charged as an
10 adult.

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

13 (6) (i) This subsection does not prohibit access to and confidential
14 use of a court record by the Department of Human Resources for the purpose of
15 claiming federal Title IV-E funds.

16 (ii) The Department of Human Resources shall be liable for the
17 unauthorized release of a court record under this paragraph.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2012.