

Department of Legislative Services  
Maryland General Assembly  
2012 Session

FISCAL AND POLICY NOTE

Senate Bill 562

(Senator Forehand, *et al.*)

Judicial Proceedings

Judiciary

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Juvenile Sex Crime Victims' Rights Act

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This bill requires the Department of Juvenile Services (DJS) to disclose to a victim or a victim's representative the home address, school, or place of employment of a child respondent on probation in specified circumstances. The bill also specifies that the general provisions regarding the confidentiality of juvenile records do not prohibit the disclosure required by this bill.

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Fiscal Summary

**State Effect:** DJS can handle the notification requirements under the bill using existing resources.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** DJS is required to disclose to the victim or victim's representative the home address, school, or place of employment of a child respondent on probation if:

- the child respondent is on probation as a result of one of the following delinquent acts: (1) first or second degree rape; (2) first or second degree sex offense; (3) third degree sex offense, as specified; (4) sexual abuse of a minor; or (5) human trafficking; and

- the victim of the delinquent act or a victim's representative has submitted a request for notification.

If a notification request has been submitted and the child is confined as a result of a violation of one of the above delinquent acts, a commitment unit must also disclose the information upon the occurrence of the following events: (1) escape; (2) recapture; (3) transfer to another commitment unit; (4) release from confinement; and (5) and death of the child respondent.

**Current Law:** In general, a court record concerning a child is confidential and its contents may not be divulged, by subpoena or otherwise, except by court order upon a showing of good cause or in certain circumstances relating to notification of a local superintendent or nonpublic school principal upon the arrest of a child for specified offenses. Various public safety agencies, including DJS, are also allowed access to juvenile court records for specified purposes, including victim notification of proceedings and events involving the child respondent.

The Department of Public Safety and Correctional Services or DJS is required to notify the victim or victim's representative of an alleged violation of a condition of probation whenever:

- a warrant, subpoena, or writ of attachment is used for the alleged violation for a person who was convicted of a violent crime or who was adjudged to have committed a delinquent act that would be a violent crime if committed by an adult; and
- a victim of the crime or delinquent act or a victim's representative has filed a request for notification.

A commitment unit is required to notify a victim, victim's representative, or witness, in advance if practicable, if any of the following events occur concerning a defendant or child respondent: (1) an escape or recapture; (2) a transfer to another commitment unit; (3) a release from confinement and any conditions attached to the release; and (4) the death of the defendant or child respondent.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 614 (Delegate Arora, *et al.*) - Judiciary.

**Information Source(s):** Commission on Criminal Sentencing Policy, Judiciary (Administrative Office of the Courts), Department of Juvenile Services, Department of State Police, Office of the Public Defender, Department of Public Safety and Correctional Services, Howard and Montgomery counties, Department of Legislative Services

**Fiscal Note History:** First Reader - February 15, 2012  
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