

HOUSE BILL 264

E3

3lr0101

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

Introduced and read first time: January 23, 2013

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 5, 2013

CHAPTER _____

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 by certain state agencies
5 under certain circumstances; repealing certain provisions that authorized access
6 to and confidential use of a certain treatment plan of a child under certain
7 circumstances; repealing the requirement that a certain agency have custody of
8 a certain child in order to access certain information; and generally relating to
9 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 2012 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.

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

4 (2) This subsection does not prohibit access to and the use of the court
5 record or fingerprints of a child described under Title 10, Subtitle 2 of the Criminal
6 Procedure Article in a proceeding in the court involving the child, by personnel of the
7 court, the State’s Attorney, counsel for the child, a court–appointed special advocate
8 for the child, or authorized personnel of the Department of Juvenile Services.

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

14 (ii) The court record or fingerprints of a child described under §§
15 10–215(a)(20) and (21), 10–216, and 10–220 of the Criminal Procedure Article may not
16 be disclosed to:

17 1. A federal criminal justice agency or information
18 center; or

19 2. Any law enforcement agency other than a law
20 enforcement agency of the State or a political subdivision of the State.

21 (4) (i) The Department of Juvenile Services may provide access to
22 and the confidential use of [a treatment plan] **THE COURT RECORD** of a child
23 [described under Title 10, Subtitle 2 of the Criminal Procedure Article] by an agency
24 in the District of Columbia or a state agency in **DELAWARE, PENNSYLVANIA,**
25 **Virginia, OR WEST VIRGINIA**, if the agency:

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

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

31 3. Has custody of the child].

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

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

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

5 (5) (i) This subsection does not prohibit access to and use of a court
6 record by a judicial officer who is authorized under the Maryland Rules to determine a
7 defendant’s eligibility for pretrial release, counsel for the defendant, the State’s
8 Attorney, or the Maryland Division of Pretrial Detention and Services if:

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

11 2. The access to and use of the court record is strictly
12 limited for the purpose of determining the defendant’s eligibility for pretrial release;
13 and

14 3. The court record concerns an adjudication of
15 delinquency that occurred within 3 years of the date the individual is charged as an
16 adult.

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

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

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

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.