

HOUSE BILL 870

E2

3lr2231

By: **Delegates Carter, Anderson, Clippinger, Dumais, Glass, K. Kelly, McDermott, Rosenberg, Simmons, Swain, and Valentino-Smith**

Introduced and read first time: February 7, 2013

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Confidentiality of Police and Court Records Pertaining**
3 **to Minor**

4 FOR the purpose of providing that certain police records pertaining to a certain minor
5 are confidential and their contents may not be divulged except under certain
6 circumstances; authorizing certain individuals to access a certain police record
7 under certain circumstances; providing that certain court records pertaining to
8 a minor are confidential and their contents may not be divulged except under
9 certain circumstances; authorizing review of a certain court record by certain
10 individuals; providing that certain information is subject to certain provisions of
11 law; and generally relating to court records pertaining to certain minors.

12 BY adding to

13 Article – Criminal Procedure

14 Section 2–501 to be under the new subtitle “Subtitle 5. Confidentiality of
15 Records”; and 4–110

16 Annotated Code of Maryland

17 (2008 Replacement Volume and 2012 Supplement)

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

20 **Article – Criminal Procedure**

21 **SUBTITLE 5. CONFIDENTIALITY OF RECORDS.**

22 **2–501.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) (1) EXCEPT AS OTHERWISE PROVIDED BY THIS SECTION, A**
2 **POLICE RECORD CONCERNING A MINOR WHO IS ARRESTED AND CHARGED AS AN**
3 **ADULT IS CONFIDENTIAL AND SHALL BE MAINTAINED SEPARATE FROM THOSE**
4 **OF ADULTS.**

5 **(2) THE CONTENTS OF A RECORD UNDER PARAGRAPH (1) OF THIS**
6 **SUBSECTION MAY NOT BE DIVULGED, BY SUBPOENA OR OTHERWISE, EXCEPT BY**
7 **ORDER OF THE COURT ON GOOD CAUSE SHOWN OR AS OTHERWISE PROVIDED IN**
8 **§ 7-303 OF THE EDUCATION ARTICLE, FROM THE TIME OF ARREST UNTIL:**

9 **(I) IT IS DETERMINED THAT THE MINOR IS INELIGIBLE FOR**
10 **TRANSFER UNDER § 4-202 OR § 4-202.2 OF THIS ARTICLE;**

11 **(II) THE TIME FOR THE FILING OF A REQUEST FOR**
12 **TRANSFER UNDER § 4-202 OR § 4-202.2 OF THIS ARTICLE HAS EXPIRED; OR**

13 **(III) A REQUEST FOR TRANSFER UNDER § 4-202 OR § 4-202.2**
14 **OF THIS ARTICLE HAS BEEN DENIED.**

15 **(B) THIS SUBSECTION DOES NOT PROHIBIT:**

16 **(1) ACCESS TO AND CONFIDENTIAL USE OF THE RECORD BY THE**
17 **DEPARTMENT OR IN THE INVESTIGATION AND PROSECUTION OF THE MINOR BY**
18 **ANY LAW ENFORCEMENT AGENCY;**

19 **(2) A LAW ENFORCEMENT AGENCY OF THE STATE OR OF A**
20 **POLITICAL SUBDIVISION OF THE STATE, THE DEPARTMENT, OR THE CRIMINAL**
21 **JUSTICE INFORMATION SYSTEM FROM INCLUDING IN THE LAW ENFORCEMENT**
22 **COMPUTER INFORMATION SYSTEM INFORMATION ABOUT AN OUTSTANDING**
23 **COURT-ORDERED WRIT OF ATTACHMENT, FOR THE SOLE PURPOSE OF**
24 **APPREHENDING A MINOR NAMED IN THE WRIT; OR**

25 **(3) A LAW ENFORCEMENT AGENCY OF THE STATE OR OF A**
26 **POLITICAL SUBDIVISION OF THE STATE FROM RELEASING TO THE PUBLIC**
27 **PHOTOGRAPHS AND IDENTIFYING INFORMATION OF A MINOR WHO HAS**
28 **ESCAPED CUSTODY, FOR THE PURPOSES OF FACILITATING APPREHENSION OF**
29 **THE MINOR AND ENSURING PUBLIC SAFETY.**

30 **4-110.**

31 **(A) A COURT RECORD UNDER THIS SUBTITLE PERTAINING TO A MINOR**
32 **WHO IS CHARGED AS AN ADULT IS CONFIDENTIAL AND ITS CONTENTS MAY NOT**

1 BE DIVULGED, BY SUBPOENA OR OTHERWISE, EXCEPT BY ORDER OF THE COURT
2 ON GOOD CAUSE SHOWN, FROM THE TIME OF ARREST UNTIL:

3 (1) IT IS DETERMINED THAT THE MINOR IS INELIGIBLE FOR
4 TRANSFER UNDER § 4-202 OR § 4-202.2 OF THIS TITLE;

5 (2) THE TIME FOR THE FILING OF A REQUEST FOR TRANSFER
6 UNDER § 4-202 OR § 4-202.2 OF THIS TITLE HAS EXPIRED; OR

7 (3) A REQUEST FOR TRANSFER UNDER § 4-202 OR § 4-202.2 OF
8 THIS TITLE HAS BEEN DENIED.

9 (B) THIS SECTION DOES NOT PROHIBIT REVIEW OF A COURT RECORD
10 BY:

11 (1) PERSONNEL OF THE COURT;

12 (2) A PARTY;

13 (3) COUNSEL FOR A PARTY;

14 (4) A COURT-APPOINTED SPECIAL ADVOCATE FOR A MINOR;

15 (5) AUTHORIZED PERSONNEL OF THE SOCIAL SERVICES
16 ADMINISTRATION AND LOCAL DEPARTMENTS IN ORDER TO CONDUCT A CHILD
17 ABUSE OR NEGLECT INVESTIGATION OR TO COMPLY WITH REQUIREMENTS
18 IMPOSED UNDER TITLE IV-E OF THE SOCIAL SECURITY ACT; OR

19 (6) A VICTIM UNDER § 11-104 OF THIS ARTICLE.

20 (C) INFORMATION OBTAINED FROM A COURT RECORD IS SUBJECT TO
21 THE PROVISIONS OF §§ 1-201, 1-202, 1-204, AND 1-205 OF THE HUMAN
22 SERVICES ARTICLE.

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