

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 625

(Senator Carter)

Judicial Proceedings

Juvenile Law - Court Records - Sealing

This bill repeals statutory provisions that require the juvenile court to order the court records of a child to be sealed after the child has reached age 21. Instead, unless the court records of a child have already been sealed, the juvenile court must order such records sealed when the juvenile court's jurisdiction is terminated.

Fiscal Summary

State Effect: The bill's requirements can be handled with existing budgeted resources.

Local Effect: The bill's requirements can be handled with existing budgeted resources.

Small Business Effect: None.

Analysis

Current Law:

Juvenile Records

In general, police and court records concerning a child are confidential, and their 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. This prohibition does not restrict access to and the use of court records in court proceedings involving the child by personnel of the court, the State's Attorney, counsel for the child, a court-appointed special advocate for the child, or authorized personnel of the Department of

Juvenile Services (DJS). Subject to certain exceptions, the restriction also does not prohibit access to and confidential use of police and court records of a child by DJS or in an investigation and prosecution by a law enforcement agency. Statutory provisions also set forth circumstances under which the police and court records of a child may be accessed and used by various entities for specified purposes. For example, the Department of Human Services may have access to and confidential use of a court record for the purpose of claiming federal funds.

The juvenile court, on its own motion or on petition, and for good cause shown, may order the court records of a child sealed, and, upon petition or on its own motion, must order them sealed after the child has reached age 21. If sealed, the court records of a child may not be opened, for any purpose, except by order of the court upon good cause shown.

Jurisdiction of the Juvenile Court

In general, the juvenile court has jurisdiction over a child alleged to be delinquent, in need of supervision, or who has received a citation for specified violations; statutory provisions set forth exceptions. If a court has obtained jurisdiction over a child, the jurisdiction continues until the person reaches age 21, unless terminated sooner. Subject to specified exceptions and unless otherwise ordered by the court, the court's jurisdiction is terminated over a person who has reached age 18 when the person has been convicted of a crime.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Juvenile Services; Department of Legislative Services

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sb/kdm

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