

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 169

(Chair, Judiciary Committee)(By Request - Departmental
- Juvenile Services)

Judiciary

Judicial Proceedings

State Advisory Board for Juvenile Services - Duties and Access to Records

This departmental bill expands the duties of the State Advisory Board for Juvenile Services to include examining and reviewing fatalities involving children under the supervision of the Department of Juvenile Services (DJS) for the purpose of advising the Secretary of Juvenile Services on policies and programs to prevent fatalities. Fatalities subject to review include (1) the death of a child under the supervision of DJS and (2) a death caused by a child under the supervision of DJS, if the child is convicted or adjudicated for the death. The bill also creates an exception to the general rule of confidentiality of juvenile records by authorizing the advisory board to access and use court records for this purpose.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: The bill does not materially affect local operations or finances.

Small Business Effect: DJS has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Current Law:

State Advisory Board for Juvenile Services

The advisory board consists of representatives from various entities, including DJS, the State Department of Education, the Department of State Police, the Judiciary, and the General Assembly. It also includes seven members of the general public, some of whom must meet specified requirements. Advisory board members serve three-year terms and are appointed by the Governor. Among other duties, the advisory board recommends policies and programs to improve juvenile services in the State, participates in planning the development and use of available resources to meet the needs of DJS, and consults with the Secretary of Juvenile Services on each aspect of the State's juvenile services program.

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 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.

Background: DJS advises that its inability to share information pertaining to juvenile records with individuals not specifically authorized under statute prevents an effective outside review process that could result in constructive changes to departmental policies and procedures to prevent fatalities. Furthermore, the advisory board is uniquely positioned to analyze the circumstances surrounding such fatalities, as board members come from a wide array of professions and backgrounds, have volunteered to be part of an entity committed to improving the juvenile justice system, and typically have a working knowledge of juvenile law, practice, and procedure.

State/Local Fiscal Effect: Although the bill may result in additional work for the advisory board, which includes members from various State agencies, any such impact does not materially affect State finances or operations. It is also estimated that any changes in procedures to provide access to relevant juvenile court records will not materially impact State and local finances or operations.

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

Fiscal Note History: First Reader - February 5, 2019
an/jc Third Reader - March 26, 2019

Analysis by: Jennifer K. Botts

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: State Advisory Board for Juvenile Services – Duties and Access to Records

BILL NUMBER: HB169

PREPARED BY: Michael DiBattista, CFO

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS