

Article - Criminal Procedure

§10–201.

(a) In this subtitle the following words have the meanings indicated.

(b) “Advisory Board” means the Criminal Justice Information Advisory Board.

(c) “Central Repository” means the Criminal Justice Information System Central Repository established under § 10–213 of this subtitle.

(d) (1) “Criminal history record information” means data that are developed or collected by a criminal justice unit about a person and that pertain to a reportable event.

(2) “Criminal history record information” includes:

(i) data from a unit that is required to report to the Central Repository under Title 3 of this article;

(ii) data about a person following waiver of jurisdiction by a juvenile court; and

(iii) data described under §§ 10–215(a)(20) and (21) and 10–216 of this subtitle.

(3) “Criminal history record information” does not include:

(i) data contained in intelligence or investigatory files or police work product records used only for police investigations;

(ii) except as provided in paragraph (2)(ii) and (iii) of this subsection, data about a proceeding under Title 3, Subtitle 8A of the Courts Article;

(iii) wanted posters, police blotter entries, court records of public judicial proceedings, or published court opinions;

(iv) data about a violation of:

1. a traffic law of this State or any other traffic law, ordinance, or regulation;

2. a local ordinance or a State or local regulation; or

3. the Natural Resources Article or a public local law;

(v) data about the point system established by the Motor Vehicle Administration under Title 16 of the Transportation Article; or

(vi) a presentence investigation report or other report that a probation department prepares for a court to use in the exercise of criminal jurisdiction or for the Governor to use in the exercise of the Governor's power to grant a pardon, reprieve, commutation, or nolle prosequi.

(e) (1) "Criminal justice information system" means equipment, facilities, procedures, agreements, and personnel that are used to collect, process, preserve, and disseminate criminal history record information.

(2) "Criminal justice information system" includes computer hardware and software.

(f) (1) "Criminal justice unit" means a government unit or subunit that allocates a substantial part of its annual budget to any of the following functions and that by law:

(i) may arrest, detain, prosecute, or adjudicate persons suspected of or charged with a crime;

(ii) is responsible for the custodial treatment or confinement under Title 3 of this article of persons charged or convicted of a crime or relieved of criminal punishment by reason of a verdict of not criminally responsible;

(iii) is responsible for the correctional supervision, rehabilitation, or release of persons convicted of a crime; or

(iv) is responsible for criminal identification activities and the collection, storage, and dissemination of criminal history record information.

(2) "Criminal justice unit" includes, when exercising jurisdiction over criminal matters, alternative dispositions of criminal matters, or criminal history record information:

(i) a State, county, or municipal police unit, sheriff's office, or correctional facility;

(ii) a unit required to report to the Central Repository under § 3-107 or § 3-112 of this article;

(iii) the offices of the Attorney General, State's Attorneys, and any other person or unit that by law may prosecute persons accused of a crime; and

(iv) the Administrative Office of the Courts, the Court of Appeals, the Court of Special Appeals, the circuit courts, the District Court of Maryland, and the offices of the clerks of these courts.

(3) Except as provided in §§ 10–215(a)(20) and (21), 10–216(d), and 10–220 of this subtitle, “criminal justice unit” does not include:

(i) the Department of Juvenile Services; or

(ii) a juvenile court.

(g) (1) “Disseminate”, with respect to records, means to transmit criminal history record information in any form.

(2) “Disseminate” does not include:

(i) transmitting criminal history record information within a criminal justice unit;

(ii) reporting criminal history record information as required under § 10–214 of this subtitle; or

(iii) transmitting criminal history record information between criminal justice units to allow the initiation of subsequent criminal justice proceedings against a person relating to the same crime.

(h) “Reportable event” means an event specified or provided for in § 10–215 of this subtitle.