A BILL ENTITLED

AN ACT concerning

Children – Family Child Care Homes and the Chief Medical Examiner – Use of Video Recording Devices and Reports
(Bexley’s Law)

FOR the purpose of requiring each family child care home to install a video recording device in each room where child care is provided; providing for the operation, notification, and use of a video recording device and the viewing, use, storage, and confidentiality of system recordings; requiring the Office of the Chief Medical Examiner, if a case involves the death of a child due to abuse or neglect, to report findings in writing and to deliver the child’s autopsy report to the parent or guardian of the child within a certain time period; and generally relating to children, family child care homes, and the Office of the Chief Medical Examiner.

BY adding to
Article – Education
Section 9.5–304.1
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 5–309(f)
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

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

Article – Education

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
9.5–304.1.

(A) IN THIS SECTION, “SYSTEM RECORDING” MEANS ALL VIDEO CAPTURED AND UPLOADED FROM A VIDEO RECORDING DEVICE LOCATED IN A FAMILY CHILD CARE HOME OR LARGE FAMILY CHILD CARE HOME.

(B) (1) EACH FAMILY CHILD CARE HOME OR LARGE FAMILY CHILD CARE HOME, AS A CONDITION OF REGISTRATION UNDER § 9.5–304 OF THIS SUBTITLE, SHALL INSTALL AT LEAST ONE VIDEO RECORDING DEVICE IN EACH ROOM WHERE CHILD CARE IS PROVIDED.

(2) A VIDEO RECORDING DEVICE UNDER THIS SUBSECTION SHALL RECORD:

   (i) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, ALL AREAS OF EACH ROOM IN THE HOME WHERE CHILD CARE IS PROVIDED; AND

   (ii) DURING THE HOURS THAT CHILD CARE IS BEING PROVIDED AT THE HOME.

(3) A VIDEO RECORDING DEVICE UNDER THIS SECTION MAY NOT RECORD INSIDE BATHROOM AREAS OR IN AREAS THAT CHILDREN USE TO CHANGE CLOTHING.

(C) EACH FAMILY CHILD CARE HOME OR LARGE FAMILY CHILD CARE HOME SHALL PROVIDE NOTICE OF THE USE OF A VIDEO RECORDING DEVICE IN THE HOME BY:

   (1) POSTING A SIGN IN A CONSPICUOUS LOCATION OUTSIDE THE HOME; AND

   (2) PROVIDING WRITTEN NOTICE TO THE PARENT OR LEGAL GUARDIAN OF EACH CHILD RECEIVING CHILD CARE SERVICES IN THE HOME.

(D) (1) ALL SYSTEM RECORDINGS SHALL BE UPLOADED TO CLOUD–BASED STORAGE AND SHALL REMAIN THE PROPERTY OF THE FAMILY CHILD CARE HOME OR LARGE FAMILY CHILD CARE HOME.

(2) UNLESS A FAMILY CHILD CARE HOME OR LARGE FAMILY CHILD CARE HOME RECEIVES A REQUEST TO VIEW OR STORE A PARTICULAR VIDEO RECORDING, THE FAMILY CHILD CARE HOME OR LARGE FAMILY CHILD CARE HOME SHALL STORE A VIDEO RECORDING MADE UNDER THIS SECTION FOR AT LEAST 3
MONTHS AND NOT MORE THAN 6 MONTHS AFTER THE DATE OF THE RECORDING.

(3) If a request is made under paragraph (2) of this subsection, the family child care home or large family child care home shall store the video recording until the reason for the request is resolved.

(4) If a video recording is to be used as evidence to support or refute a complaint against an operator of a family child care home or large family child care home, the home shall retain the portion of the video recording related to the complaint for at least 1 year after the date the complaint is made.

(E) (1) If a person discovers that the operation of a video recording device has been interrupted, the person shall submit a written report to the Department including:

(i) How the interruption was discovered and the length of the interruption; and

(ii) The reason for the interruption, if known.

(2) The Department shall maintain a report submitted under paragraph (1) of this subsection for 1 year after the date of the submission of the report.

(F) (1) Except as provided in paragraph (2) of this subsection, a video recording made in accordance with this section is confidential and may not be viewed, shared, or disseminated in any manner.

(2) The following persons may view a video recording made under this section:

(i) A parent or guardian of a child receiving child care services in the family child care home or large family child care home;

(ii) The Department; and

(iii) A law enforcement agency.

(G) The Department shall make a reasonable attempt to conceal the identity of any child who appears in a video recording made under
THIS SECTION WHO IS NOT INVOLVED IN THE INCIDENT FOR WHICH THE VIDEO
RECORDING IS BEING VIEWED.

(H) ALL VIDEO RECORDING DEVICES UNDER THIS SECTION SHALL COMPLY
WITH FEDERAL FIRE AND SAFETY STANDARDS.

(I) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THE
PROVISIONS OF THIS SECTION.

Article – Health – General

5–309.

(f) (1) If the case involves the unexpected death of a child, the medical
examiner shall notify the chairperson of the local child fatality review team for the county
in which the child resided.

(2) If the case involves the death of a child and the death is believed to be
caused by abuse or neglect, or there is evidence suggesting that the child was a victim of
abuse or neglect, the Office of the Chief Medical Examiner shall [orally]:

(I) ORALLY report the findings and deliver a copy of the child’s final
autopsy report to the local department of social services and the local law enforcement
agency of the county in which the child last resided in accordance with § 5–704 of the Family
Law Article; AND

(II) REPORT THE FINDINGS IN WRITING AND DELIVER A COPY
OF THE CHILD’S FINAL AUTOPSY REPORT TO THE PARENT OR LEGAL GUARDIAN OF
THE CHILD WITHIN 30 DAYS AFTER THE FILING OF A MEDICAL EXAMINER’S REPORT
UNDER § 5–310(A) OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
October 1, 2022.