

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 366
Judiciary

(Delegate Embry)

Juvenile Law - Police Record Concerning a Child - Confidentiality Exception

This bill authorizes the Office of the Attorney General (OAG), with respect to an investigation conducted by OAG's Independent Investigations Division (IID) of a police-involved incident resulting in the death or injury of the child, to release to the public the name and age of a child. OAG must have the express consent of the child's parent or guardian before releasing this information to the public.

Fiscal Summary

State Effect: The bill is procedural in nature and does not materially affect State operations or finances.

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

Small Business Effect: None.

Analysis

Current Law: IID is the primary investigative unit for police-involved incidents that result in the death of individuals or injuries likely to result in death.

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. Statute specifies several circumstances where the access to and use of these records is not affected by this prohibition.

A law enforcement agency is not prohibited from releasing to the public photographs and identifying information regarding (1) a missing child; (2) a child who has escaped from a juvenile detention facility, secure juvenile residential facility, or a correctional unit; or (3) a child who the court does not have jurisdiction over pursuant to specified statutory provisions and who is subject to arrest or an arrest warrant issued by a criminal court. The release of photographs and information under these circumstances may only be when necessary and for the sole purpose of facilitating apprehension of a child and ensuring public safety.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 703 of 2024.

Designated Cross File: SB 404 (Senator Sydnor) - Judicial Proceedings.

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

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