

Chapter 733

(Senate Bill 524)

AN ACT concerning

Juvenile Records – Access by Baltimore City Mayor’s Office

FOR the purpose of establishing that certain provisions of law relating to the confidentiality of juvenile police records and court records do not prohibit access to and confidential use of certain records by the Baltimore City Mayor’s Office of Neighborhood Safety and Engagement, the Baltimore City Mayor’s Office of Children and Family Success, and the Baltimore City Mayor’s Office of African American Male Engagement under certain circumstances; requiring certain Baltimore City Mayor’s offices, prior to the access to and confidential use of certain records, to enter into a certain memorandum of understanding and obtain certain written consent; establishing liability for the unauthorized release of a certain record; and generally relating to juvenile records.

BY repealing and reenacting, with amendments,
 Article – Courts and Judicial Proceedings
 Section 3–8A–27
 Annotated Code of Maryland
 (2020 Replacement Volume and 2025 Supplement)

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

Article – Courts and Judicial Proceedings

3–8A–27.

(a) (1) A police record concerning a child is confidential and shall be maintained separate from those of adults. Its contents may not be divulged, by subpoena or otherwise, except by order of the court upon good cause shown or as otherwise provided in § 7–303 of the Education Article.

(2) This subsection does not prohibit:

(i) Access to and confidential use of the record by the Department of Juvenile Services or in the investigation and prosecution of the child by any law enforcement agency;

(II) ACCESS TO AND CONFIDENTIAL USE OF THE RECORD BY THE BALTIMORE CITY MAYOR’S OFFICE OF NEIGHBORHOOD SAFETY AND ENGAGEMENT, THE BALTIMORE CITY MAYOR’S OFFICE OF CHILDREN AND FAMILY SUCCESS, AND THE BALTIMORE CITY MAYOR’S OFFICE OF AFRICAN AMERICAN

MALE ENGAGEMENT, IF THE OFFICE IS PROVIDING PROGRAMS AND SERVICES TO A CHILD WHO IS THE SUBJECT OF THE RECORD, FOR A PURPOSE RELEVANT TO THE PROVISION OF THE PROGRAMS AND SERVICES AND THE DEVELOPMENT OF A COMPREHENSIVE TREATMENT PLAN;

[(ii)] (III) A law enforcement agency of the State or of a political subdivision of the State, the Department of Juvenile Services, or the criminal justice information system from including in the law enforcement computer information system information about:

1. An outstanding juvenile court ordered writ of attachment or an outstanding criminal court ordered writ of attachment, for the sole purpose of apprehending a child named in the writ;
2. An outstanding criminal court issued warrant, for the sole purpose of apprehending a child named in the warrant; or
3. A missing child as defined in § 9–401 of the Family Law Article; or

[(iii)] (IV) A law enforcement agency of the State or of a political subdivision of the State, when necessary and for the sole purposes of facilitating apprehension of a child and ensuring public safety, from releasing to the public photographs and identifying information of a child who:

1. Has escaped from:
 - A. A detention center for juveniles;
 - B. A secure residential facility for juveniles; or
 - C. A correctional unit as defined in § 2–401 of the Correctional Services Article;
2. Is a missing child as defined in § 9–401 of the Family Law Article; or
3. The court does not have jurisdiction over pursuant to § 3–8A–03(d)(1), (4), or (5) of this subtitle and who is subject to:
 - A. Arrest; or
 - B. An arrest warrant issued by a criminal court.

(3) (I) PRIOR TO THE ACCESS TO AND CONFIDENTIAL USE OF A

RECORD BY A BALTIMORE CITY MAYOR'S OFFICE SPECIFIED IN PARAGRAPH (2)(II) OF THIS SUBSECTION, THE OFFICE SHALL:

1. ENTER INTO A WRITTEN MEMORANDUM OF UNDERSTANDING WITH THE AGENCY DISCLOSING THE RECORD; AND

2. OBTAIN EXPRESS WRITTEN CONSENT IN A SINGLE DOCUMENT FROM THE PARENT OR GUARDIAN OF THE CHILD WHO IS THE SUBJECT OF THE RECORD.

(II) A BALTIMORE CITY MAYOR'S OFFICE SPECIFIED IN PARAGRAPH (2)(II) OF THIS SUBSECTION SHALL BE LIABLE FOR THE UNAUTHORIZED RELEASE OF A POLICE RECORD IT ACCESSES UNDER THIS SUBSECTION.

(b) (1) A court record pertaining to a child is confidential and its contents may not be divulged, by subpoena or otherwise, except by order of the court upon good cause shown or as provided in §§ 7–303 and 22–309 of the Education Article.

(2) This subsection does not prohibit access to and the use of the court record or fingerprints of a child described under Title 10, Subtitle 2 of the Criminal Procedure Article in a proceeding in the court 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.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, this subsection does not prohibit access to and confidential use of the court record or fingerprints of a child described under Title 10, Subtitle 2 of the Criminal Procedure Article by the Department of Juvenile Services or in an investigation and prosecution by a law enforcement agency.

(ii) The court record or fingerprints of a child described under §§ 10–215(a)(20) and (21), 10–216, and 10–220 of the Criminal Procedure Article may not be disclosed to:

1. A federal criminal justice agency or information center; or
2. Any law enforcement agency other than a law enforcement agency of the State or a political subdivision of the State.

(4) (i) The Department of Juvenile Services may provide access to and the confidential use of the court record of a child by an agency in the District of Columbia or a state agency in Delaware, Pennsylvania, Virginia, or West Virginia, if the agency:

1. Performs the same functions in the jurisdiction of the agency as described in § 9–216(a) of the Human Services Article; and

2. Has a reciprocal agreement with the State that provides that the specific information to be shared by the State is the same type of information that will be shared by the agency.

(ii) A record that is shared under this paragraph may only provide information that is relevant to the supervision, care, and treatment of the child.

(iii) The Department of Juvenile Services shall be liable for an unauthorized release of a court record under this paragraph.

(iv) The Department of Juvenile Services shall adopt regulations to implement this paragraph.

(5) (i) This subsection does not prohibit access to and use of a court record by a judicial officer who is authorized under the Maryland Rules to determine a defendant's eligibility for pretrial release, counsel for the defendant, the State's Attorney, or the Maryland Division of Pretrial Detention and Services if:

1. The individual who is the subject of the court record is charged as an adult with an offense;

2. The access to and use of the court record is strictly limited for the purpose of determining the defendant's eligibility for pretrial release; and

3. The court record concerns an adjudication of delinquency that occurred within 3 years of the date the individual is charged as an adult.

(ii) The Supreme Court of Maryland may adopt rules to implement the provisions of this paragraph.

(6) (i) This subsection does not prohibit access to and confidential use of a court record by the Department of Human Services or a local department of social services:

1. For the purpose of claiming federal Title IV–B and Title IV–E funds; or

2. If the Department of Human Services or a local department of social services is providing treatment, services, or care to a child who is the subject of the record.

(ii) The Department of Human Services and local departments of social services shall keep a court record obtained under this paragraph confidential in accordance with the laws and policies applicable to the Department of Human Services and local departments of social services.

(7) (i) This subsection does not prohibit access to and confidential use of a court record by the Maryland Department of Health or a local health department if the Maryland Department of Health or a local health department is providing treatment, services, or care in coordination with the Department of Juvenile Services to a child who is the subject of the record, for a purpose relevant to the provision of the treatment, services, or care.

(ii) The Maryland Department of Health and local health departments shall keep a court record obtained under this paragraph confidential in accordance with the laws and policies applicable to the Maryland Department of Health and local health departments.

(8) This subsection does not prohibit access to and confidential use of a court record by the Commission on Juvenile Justice Reform and Emerging and Best Practices if the Commission is performing the functions described under § 9–3502 of the State Government Article.

(9) (I) THIS SUBSECTION DOES NOT PROHIBIT ACCESS TO AND CONFIDENTIAL USE OF A COURT RECORD BY THE BALTIMORE CITY MAYOR’S OFFICE OF NEIGHBORHOOD SAFETY AND ENGAGEMENT, THE BALTIMORE CITY MAYOR’S OFFICE OF CHILDREN AND FAMILY SUCCESS, AND THE BALTIMORE CITY MAYOR’S OFFICE OF AFRICAN AMERICAN MALE ENGAGEMENT, IF THE OFFICE IS PROVIDING PROGRAMS AND SERVICES IN CONJUNCTION WITH THE DEPARTMENT OF JUVENILE SERVICES TO A CHILD WHO IS THE SUBJECT OF THE RECORD, FOR A PURPOSE RELEVANT TO THE PROVISION OF THE PROGRAMS AND SERVICES AND THE DEVELOPMENT OF A COMPREHENSIVE TREATMENT PLAN PURPOSES DIRECTLY RELATED TO SUPPORTING THE TREATMENT, REHABILITATION, REENTRY PLANNING, OR CONTINUITY OF CARE.

(II) PRIOR TO THE ACCESS TO AND CONFIDENTIAL USE OF A RECORD BY A BALTIMORE CITY MAYOR’S OFFICE SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE OFFICE SHALL:

1. ENTER INTO A WRITTEN MEMORANDUM OF UNDERSTANDING WITH THE DEPARTMENT OF JUVENILE SERVICES THAT:

A. IDENTIFIES THE SPECIFIC RECORDS TO BE SHARED;

B. DEFINES THE PURPOSE AND NECESSITY OF THE DISCLOSURE;

C. LIMITS THE USE OF THE RECORDS TO THE PURPOSES DESCRIBED IN THIS PARAGRAPH;

D. PROHIBITS REDISCLOSURE OF THE RECORDS TO ANY OTHER PERSON; AND

E. REQUIRES COMPLIANCE WITH APPLICABLE STATE AND FEDERAL CONFIDENTIALITY LAWS; AND

2. OBTAIN EXPRESS WRITTEN CONSENT IN A SINGLE DOCUMENT FROM THE PARENT OR GUARDIAN OF THE CHILD WHO IS THE SUBJECT OF THE RECORD.

(III) A BALTIMORE CITY MAYOR'S OFFICE SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE LIABLE FOR THE UNAUTHORIZED RELEASE OF A COURT RECORD IT ACCESSES UNDER THIS PARAGRAPH.

(c) The 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, shall order them sealed after the child has reached 21 years of age. 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.

(d) This section does not prohibit access to or use of any juvenile record by the Maryland Division of Parole and Probation or the Maryland Parole Commission when the Division or the Commission is carrying out any of their statutory duties either at the direction of a court of competent jurisdiction, or when the Maryland Parole Commission is carrying out any of its statutory duties, if the record concerns a charge or adjudication of delinquency.

(e) This section does not prohibit access to and use of any juvenile record by the Maryland Division of Correction when the Division is carrying out any of its statutory duties if: (1) the individual to whom the record pertains is committed to the custody of the Division; and (2) the record concerns an adjudication of delinquency.

(f) Subject to the provisions of §§ 9–219 and 9–220 of the Human Services Article, this section does not prohibit access to or use of any juvenile record for criminal justice research purposes. A record used under this subsection may not contain the name of the individual to whom the record pertains, or any other identifying information which could reveal the individual's name.

(g) This section does not prohibit a victim or victim's representative who has filed a notification request form from being notified of proceedings and events involving the defendant or child as provided in this subtitle, the Criminal Procedure Article, or the Criminal Law Article.

(h) This section does not prohibit the Department of Public Safety and

Correctional Services or a supervising authority, as defined in § 11-701 of the Criminal Procedure Article, from accessing or using the part of a juvenile record that identifies an offense committed by a juvenile for purposes of complying with Title 11, Subtitle 7 of the Criminal Procedure Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026. It shall remain effective for a period of 5 years and, at the end of September 30, 2031, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, May 26, 2026.