



SB0406/853323/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

08 FEB 21
10:33:33

BY: Senator Augustine

(To be offered in the Judicial Proceedings Committee)

AMENDMENTS TO SENATE BILL 406

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “local” in line 10 down through “review” in line 11 and substitute “certain State’s Attorney or law enforcement agency to refer certain information to a local committee”; in line 29, after “circumstances;” insert “providing that certain confidentiality requirements relating to certain court records do not prohibit access and confidential use of the records by a local committee; providing that certain confidential school records may be transmitted by a local superintendent or school principal to a local committee for certain purposes; providing that certain requirements barring disclosure of certain social services and child welfare records do not prohibit disclosure to a local committee;”; in the same line, after “penalties;” insert “making a technical correction;”; and after line 30, insert:

“BY repealing and reenacting, without amendments,

Article - Courts and Judicial Proceedings

Section 3-8A-27(b)(1)

Annotated Code of Maryland

(2020 Replacement Volume)

BY adding to

Article - Courts and Judicial Proceedings

Section 3-8A-27(b)(11)

Annotated Code of Maryland

(2020 Replacement Volume)”.

On page 2, after line 5, insert:

“BY repealing and reenacting, with amendments,

Article - Education

Section 7-303(b) and (e)

(Over)

Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,
Article - Education
Section 7-303(c) and (d)
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,
Article – Human Services
Section 1-201(a) and 1-202(a)
Annotated Code of Maryland
(2019 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,
Article – Human Services
Section 1-201(b) and 1-202(c)(1)(iii)
Annotated Code of Maryland
(2019 Replacement Volume and 2020 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 13, insert:

“Article – Courts and Judicial Proceedings

3–8A–27.

(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.

(11) THIS SUBSECTION DOES NOT PROHIBIT ACCESS TO AND CONFIDENTIAL USE OF A COURT RECORD BY A LOCAL YOUTH VIOLENCE REVIEW COMMITTEE UNDER TITLE 1, SUBTITLE 6 OF THE PUBLIC SAFETY ARTICLE.”;

after line 22, insert:

“Article – Education

7–303.

(b) If a student is arrested for a reportable offense or an offense that is related to the student’s membership in a criminal [gang] ORGANIZATION, the law enforcement agency making the arrest:

(1) Shall notify the following individuals of the arrest and the charges within 24 hours of the arrest or as soon as practicable:

(i) The local superintendent;

(ii) The school principal; and

(iii) For a school that has a school security officer, the school security officer; and

(2) May notify the State’s Attorney of the arrest and charges.

(c) The State’s Attorney shall promptly notify either the local superintendent or the school principal of the disposition of the reportable offense required to be reported under subsection (b) of this section.

(d) Except by order of a juvenile court or other court upon good cause shown, the information obtained by an individual pursuant to subsections (b) and (c) of this section:

(1) Is confidential and may not be redisclosed by subpoena or otherwise except as provided pursuant to subsections (e) and (f) of this section; and

(2) May not be made part of the student’s permanent educational record.

(e) (1) Notwithstanding the provisions of subsection (d) of this section, nothing shall prohibit a local superintendent or school principal from transmitting the

(Over)

information obtained pursuant to subsections (b) and (c) of this section as a confidential file to [the]:

(I) THE local superintendent of another public school system in the State or another nonpublic school in the State in which the student has enrolled or been transferred in order to carry out the purposes of this section if the disposition of the reportable offense was a conviction or an adjudication of delinquency or the criminal charge or delinquency petition is still pending; OR

(II) A LOCAL YOUTH VIOLENCE REVIEW COMMITTEE FOR THE PURPOSE OF THE COMMITTEE PERFORMING ITS DUTIES UNDER TITLE 1, SUBTITLE 6 OF THE PUBLIC SAFETY ARTICLE.

(2) A local superintendent or school principal who transmits information about a student under this subsection shall include in the transmittal information regarding any educational programming and related services provided to the student.

Article – Human Services

1–201.

(a) Except as provided in subsection (b) of this section, a person may not disclose any information concerning an applicant for or recipient of social services, child welfare services, cash assistance, food stamps, or medical assistance that is directly or indirectly derived from the records, investigations, or communications of the State, a county, or a municipal corporation or a unit of the State, a county, or a municipal corporation or that is acquired in the course of the performance of official duties.

(b) This section does not prohibit the disclosure of information:

(1) in accordance with a court order; [or]

(2) to an officer or employee of any state or local government, the United States, or a fiduciary institution, if the officer or employee is entitled to the information in an official capacity and the disclosure is necessary to administer:

(i) public assistance, medical assistance, social services, or child welfare services programs; or

(ii) voter registration in accordance with § 3–203 of the Election Law Article; OR

(3) TO AN OFFICER OR EMPLOYEE OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE IN SUPPORT OF A LOCAL YOUTH VIOLENCE REVIEW COMMITTEE ESTABLISHED UNDER TITLE 1, SUBTITLE 6 OF THE PUBLIC SAFETY ARTICLE.

1–202.

(a) Except as otherwise provided in Title 5, Subtitles 7 and 12 of the Family Law Article, § 1–203 of this subtitle, and this section, a person may not disclose a report or record concerning child abuse or neglect.

(c) A report or record concerning child abuse or neglect:

(1) may be disclosed on request to:

(iii) the State Council on Child Abuse and Neglect or its designee, the State Citizens Review Board for Children or its designee, [or] a child fatality review team, OR A LOCAL YOUTH VIOLENCE REVIEW COMMITTEE, as necessary to carry out their official functions;”;

and in line 28, after “(B)” insert **““CIVIL CASE” INCLUDES A CASE UNDER THE JURISDICTION OF THE FAMILY COURT OR THE JUVENILE COURT, INCLUDING A CHILD IN NEED OF ASSISTANCE.**

(C)”.

On page 3, in lines 1 and 3, strike “(C)” and “(D)”, respectively, and substitute “(D)” and “(E)”, respectively; in line 3, strike “18” and substitute “24”; in line 21, strike “AND”; after line 21, insert:

“(10) THE LOCAL SCHOOL SYSTEM;

(11) NONPROFIT ORGANIZATIONS FOCUSED ON YOUTH VIOLENCE PREVENTION;

(12) THE DEPARTMENT OF JUVENILE SERVICES; AND”;

and in line 22, strike “(10)” and substitute “(13)”.

On page 5, strike beginning with “IN” in line 10 down through “REVIEW” in line 12 and substitute “**THE STATE’S ATTORNEY AND THE LAW ENFORCEMENT AGENCY FOR A LOCAL JURISDICTION SHALL REFER, TO THE DEGREE AUTHORIZED UNDER LAW, INFORMATION FROM APPROPRIATE CASES TO THE LOCAL COMMITTEE**”; in line 13, after “REVIEW” insert “**CIVIL CASES AND**”; and in line 15, strike “SUICIDE” and substitute “**HOMICIDE**”.