



## Testimony for the House Judiciary Committee

February 2, 2022

### HB 214 - Juveniles – Reportable Offenses

#### UNFAVORABLE

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The ACLU of Maryland opposes HB 214, which requires a local superintendent or school principal to transmit information concerning “reportable offenses” or offenses related to a student’s membership in a criminal gang to a superintendent of another public-school system or nonpublic school in the State under specified circumstances. It also requires the Department of Juvenile Services (DJS), for students committed to its custody, to notify the local superintendent and the school principal of a school in which the student has enrolled or to which the student has been transferred of the student’s arrest for a reportable offense and the disposition of the reportable offense.

One of the most common exceptions to record confidentiality is the release of arrest and court records to schools.<sup>1</sup> While some states require school officials to request this information, in other states, law enforcement or the courts notify school officials of certain types of arrests and/or juvenile court involvement of youth.<sup>2</sup> However, once the information is provided to the schools, the bill provides no safeguards on who has access to the information and how it can be used. Providing this confidential information to schools can cause significant negative consequences to the youth, such as outright expulsion. In other cases, the stigma of juvenile court involvement can cause negative reactions by school staff and alienation from staff and students that cause youth to drop out.<sup>3</sup>

Disclosure of these juvenile records can contribute to the “school-to-prison pipeline,” a disturbing national trend wherein children are funneled out of public schools and into the juvenile and criminal justice systems. These

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<sup>1</sup>Riya Saha Shah and Lauren Fine, *Juvenile Records: A National Review of State Laws on Confidentiality, Sealing and Expungement*, pg. 10, n. 17 (2014).

<sup>2</sup> See Melissa Sickmund & Chaz Puzanchera, *Juvenile Offenders and Victims: 2014 National Report*, pg. 98 (2014).

<sup>3</sup> David S. Kirk and Robert J. Sampson, *Juvenile Arrest and Collateral Educational Damage in the Transition to Adulthood*, *Sociology of Education*, pg. 39 (American Sociological Association, 2013).

negative consequences can result from notification of arrest information alone, even though a youth has not even gone through the criminal legal process. This is the case with HB 214, which requires the transmission of information about a student's arrest without any court proceeding, no less a conviction or finding of guilt. Therefore, further information about the case, such as if it is dismissed or that the youth will be adjudicated as an adult, may not be automatically provided to the school.<sup>4</sup>

DJS, law enforcement, or courts should not be required or permitted to notify schools of youth arrests or juvenile justice involvement, and that records only be released to schools when they concern the youth's educational needs. Additionally, schools should strictly limit access to this information and require that the information is only shared with school officials on a need-to-know basis, with sanctions applied for disclosure of information to inappropriate personnel.

For the foregoing reasons, the ACLU of Maryland urges an unfavorable report on HB 214.

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<sup>4</sup> Illinois Juvenile Justice Commission, *Burdened for Life*, 47-8 (2014).

