

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 1310
Baltimore City Coordinated Youth Violence Review and Response
Team
DATE: February 21, 2024
(2/29)

COMMENT PAPER

The Judiciary respects the separation of powers doctrine and acknowledges that the legislature is the policy-making branch. As such, the Judiciary has no position on the policy aims of this legislation and defers to the legislative branch on such matters.

The Judiciary only writes to get clarification on the language of the bill. Proposed Local Government section 31-111, specifically at subsection (D). D(1) provides that on request of the review and response team and as necessary to carry out the purpose of duties of the review and response team, the review and response team shall be provided with access to (I) Public data, records of service utilization history, and information relevant to a youth incident involving law enforcement under review. While the Judiciary could provide public data, records of service utilization history and law enforcement records would be exempt from disclosure as juvenile case records.

Similarly, (II) requires that state or local government agencies share death certificates, law enforcement investigations, medical examiner information, parole and probation information, and social services agency records. Although the Judiciary is not a “state agency” and not required to comply with this request, if the intent is to include the Judiciary as a state agency, any of these records, if contained in a juvenile case record, would not be disclosable as confidential records. See Rule 16-914(a).

The bill also does not speak to any of the restrictions on disclosure required by the Maryland Public Information Act or the Court Access Rules. It uses “shall” to require that the review and response team be provided with the access as outlined in D(1)(I) and (II). Disclosure would violate the Maryland Rules, but failing to comply with the bill as written could generate disputes between custodians of records and the Review and Response teams.

cc. Hon. Dayla Attar
Judicial Council
Legislative Committee
Kelley O'Connor