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DEPUTY MAJORITY WHIP

Judicial Proceedings Committee
Executive Nominations Committee

Joint Committees

Administrative, Executive, and
Legislative Review

Children, Youth, and Families

Senate Chair, Legislative Ethics



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Testimony for Senate Bill 404
Juvenile Law- Police Record Concerning a
Child - Confidentiality Exception
Before the Judicial Proceedings Committee
February 04, 2025**

Good afternoon Chair Smith, and members of the Judicial Proceedings Committee,

In 2021 we passed legislation¹ that ensured that the juvenile would not be tried in the court of public opinion by shielding certain juvenile information.

Senate Bill 404 provides a limited exception, at the request of the Attorney General. Since 2021, its Independent Investigations Division has investigated 66 deaths, there have been five juvenile decedents because of police-involved encounters. To be accountable to the public, it is the division's practice to release the names of the decedent(s) and the involved police officers in every case. However, the Office does not disclose any information related to juvenile decedents. However, to provide more thorough information to the public and humanize the juvenile decedent's, in line with division's practices for adult decedent, it would like to disclose certain enumerated information.

SB 404 would permit the Attorney General to release the name and age of a child whose death or injury was related to a police-involved incident, upon receipt of permission of the parent or guardian.

Based on its reading of the law² the Attorney General believes it is not permitted to release the names of juvenile decedents nor discuss facts related to the actions that led to the police-involved encounter in their final report or public releases as it may contain information that possibly indicates delinquency. More specifically, because this Division obtains the information regarding the juvenile decedent's name and demographic information from records or information gathered by a law enforcement agency, the division believes that disclosure would violate the law. I believe

¹ SB 314 was passed and signed into law as Chapter 12 of 2021.

² section 3-8A-27(a) of the Courts and Judicial Proceedings ("CJP") Article provides that "[a] police record concerning a child is confidential,"

that this narrow exception – with the consent of the decedent juvenile’s legal guardian is appropriate and certainly in no way undermines the purpose of the law we passed in 2021. For these reasons stated above, I ask for a favorable report on SB 404.