

SENATE BILL 406

E4

1lr1223
CF HB 93

By: **Senator Augustine**

Introduced and read first time: January 15, 2021

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Local Youth Violence Review Committees**

3 FOR the purpose of authorizing a county to establish a certain local youth violence review
4 committee; specifying that certain officials may organize a local committee; providing
5 for membership of a local committee; authorizing certain member entities of a local
6 committee to designate certain representatives; providing for the election of a chair
7 of a local committee; establishing the purpose of a local committee; requiring a local
8 committee to establish certain protocols; requiring a local committee to meet with
9 certain frequency to review the status of certain cases, make certain
10 recommendations, and provide certain reports; requiring a local committee to
11 determine the number and type of cases that the local committee will review;
12 requiring that a local committee delay reviewing certain cases under certain
13 circumstances; requiring that a local committee be provided with immediate access
14 to certain information and records on request by the chair and as necessary;
15 requiring that meetings of a local committee be closed to the public under certain
16 circumstances; requiring that meetings of a local committee be open to the public
17 under certain circumstances; prohibiting the disclosure of certain information at a
18 public meeting of a local committee; authorizing a local committee to request the
19 presence of certain individuals at certain meetings under certain circumstances;
20 establishing the confidentiality and limiting the disclosure of certain records;
21 providing that statistical compilations and reports that do not contain certain
22 information are public records; prohibiting the questioning in any civil or criminal
23 proceeding of certain persons regarding certain information; authorizing a certain
24 person to testify to certain information under certain circumstances; providing that
25 certain information and records of a local committee are not subject to subpoena,
26 discovery, or introduction into evidence in certain court proceedings under certain
27 circumstances; providing that certain information, documents, and records are not
28 immune from subpoena, discovery, or introduction into evidence solely because of
29 certain circumstances; establishing certain criminal penalties; defining certain
30 terms; and generally relating to local youth violence review committees.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 3–201(a) and (d)
Annotated Code of Maryland
(2012 Replacement Volume and 2020 Supplement)

BY adding to
Article – Public Safety
Section 1–601 through 1–607 to be under the new subtitle “Subtitle 6. Local Youth
Violence Review Committees”
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

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

Article – Criminal Law

3–201.

(a) In this subtitle the following words have the meanings indicated.

(d) “Serious physical injury” means physical injury that:

(1) creates a substantial risk of death; or

(2) causes permanent or protracted serious:

(i) disfigurement;

(ii) loss of the function of any bodily member or organ; or

(iii) impairment of the function of any bodily member or organ.

Article – Public Safety

SUBTITLE 6. LOCAL YOUTH VIOLENCE REVIEW COMMITTEES.

1–601.

**(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.**

**(B) “LOCAL COMMITTEE” MEANS THE MULTIDISCIPLINARY AND
MULTIAGENCY YOUTH VIOLENCE REVIEW COMMITTEE ESTABLISHED FOR A COUNTY
IN ACCORDANCE WITH THIS SUBTITLE.**

1 (C) “SERIOUS PHYSICAL INJURY” HAS THE MEANING STATED IN § 3–201 OF
2 THE CRIMINAL LAW ARTICLE.

3 (D) “YOUTH” MEANS AN INDIVIDUAL UNDER THE AGE OF 18 YEARS.
4 1–602.

5 (A) A COUNTY IS AUTHORIZED TO ESTABLISH A YOUTH VIOLENCE REVIEW
6 COMMITTEE.

7 (B) IN A COUNTY, THE STATE’S ATTORNEY AND THE HEAD OF THE PRIMARY
8 LAW ENFORCEMENT AGENCY MAY ORGANIZE A LOCAL COMMITTEE.

9 1–603.

10 (A) THE MEMBERS OF A LOCAL COMMITTEE SHALL BE DRAWN FROM THE
11 FOLLOWING PERSONS, ORGANIZATIONS, AGENCIES, AND AREAS OF EXPERTISE,
12 FROM WITHIN THE COUNTY, AS AVAILABLE:

13 (1) LAW ENFORCEMENT AGENCIES;

14 (2) THE STATE’S ATTORNEY’S OFFICE;

15 (3) THE LOCAL HEALTH DEPARTMENT;

16 (4) THE LOCAL DEPARTMENT OF SOCIAL SERVICES;

17 (5) THE DIVISION OF PAROLE AND PROBATION;

18 (6) HOSPITALS;

19 (7) JUDGES OF THE DISTRICT COURT AND CIRCUIT COURTS;

20 (8) CLERKS OF THE DISTRICT COURT AND CIRCUIT COURTS;

21 (9) THE CHIEF MEDICAL EXAMINER’S OFFICE; AND

22 (10) ANY OTHER PERSON NECESSARY TO THE WORK OF THE LOCAL
23 COMMITTEE, RECOMMENDED BY THE LOCAL COMMITTEE.

(B) THE MEMBERS DESCRIBED UNDER SUBSECTION (A)(1) THROUGH (9) OF THIS SECTION MAY DESIGNATE REPRESENTATIVES FROM THEIR DEPARTMENTS OR OFFICES TO REPRESENT THE MEMBERS ON THE LOCAL COMMITTEE.

(C) EACH LOCAL COMMITTEE SHALL ELECT A CHAIR BY MAJORITY VOTE FROM AMONG ITS MEMBERS.

1-604.

(A) THE PURPOSE OF A LOCAL COMMITTEE IS TO PREVENT VIOLENCE AND HOMICIDES INVOLVING YOUTH ASSAILANTS AND YOUTH VICTIMS BY:

(1) PROMOTING COOPERATION AND COORDINATION AMONG AGENCIES INVOLVED IN INVESTIGATING DEATHS RELATED TO YOUTH VIOLENCE;

(2) DEVELOPING AND PROVIDING YOUTH SERVICES;

(3) DEVELOPING AN UNDERSTANDING OF THE CAUSES AND INCIDENCE OF YOUTH VIOLENCE AND YOUTH-RELATED HOMICIDE IN THE COUNTY; AND

(4) DEVELOPING PLANS FOR AND RECOMMENDING CHANGES WITHIN THE AGENCIES THE MEMBERS REPRESENT.

(B) TO ACHIEVE ITS PURPOSE, A LOCAL COMMITTEE SHALL:

(1) ESTABLISH AND IMPLEMENT A PROTOCOL FOR THE LOCAL COMMITTEE;

(2) AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, REVIEW HOMICIDES AND CASES OF SERIOUS PHYSICAL INJURY RELATED TO YOUTH VIOLENCE THAT HAVE OCCURRED IN THE COUNTY;

(3) MEET ON A REGULAR BASIS AS DETERMINED BY THE LOCAL COMMITTEE, AT LEAST ANNUALLY, TO:

(I) REVIEW THE STATUS OF YOUTH-RELATED HOMICIDE CASES IN THE COUNTY;

(II) RECOMMEND ACTIONS TO IMPROVE COORDINATION OF SERVICES AND INVESTIGATIONS AMONG MEMBER AGENCIES; AND

(III) RECOMMEND ACTIONS WITHIN THE MEMBER AGENCIES TO PREVENT DEATHS RELATED TO YOUTH VIOLENCE; AND

(4) PROVIDE REPORTS THAT INCLUDE RECOMMENDATIONS:

(I) TO IMPROVE COORDINATION OF SERVICES AND INVESTIGATIONS;

(II) TO IMPLEMENT CHANGES RECOMMENDED BY THE LOCAL COMMITTEE WITHIN MEMBER AGENCIES; AND

(III) ON NEEDED CHANGES TO STATE AND LOCAL LAW, POLICY, AND PRACTICE TO PREVENT DEATHS RELATED TO YOUTH VIOLENCE.

(C) (1) IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION, A LOCAL COMMITTEE SHALL DETERMINE THE NUMBER AND TYPES OF CASES THE COMMITTEE WILL REVIEW.

(2) A LOCAL COMMITTEE MAY REVIEW CRIMINAL CASES ONLY AT THE CONCLUSION OF THE CASE IN TRIAL COURT OR AFTER THE INVESTIGATION OF A SUICIDE HAS BEEN CLOSED.

1-605.

ON REQUEST OF THE CHAIR OF A LOCAL COMMITTEE AND AS NECESSARY TO CARRY OUT THE PURPOSE AND DUTIES OF THE LOCAL COMMITTEE UNDER THIS SUBTITLE, THE LOCAL COMMITTEE SHALL BE IMMEDIATELY PROVIDED:

(1) WITH ACCESS TO INFORMATION AND RECORDS BY A PROVIDER OF MEDICAL CARE, INCLUDING DENTAL AND MENTAL HEALTH CARE, REGARDING A PERSON WHOSE DEATH OR SERIOUS PHYSICAL INJURY IS BEING REVIEWED BY THE LOCAL COMMITTEE; AND

(2) ACCESS TO ALL INFORMATION AND RECORDS MAINTAINED BY ANY STATE OR LOCAL GOVERNMENT AGENCY, INCLUDING BIRTH CERTIFICATES, LAW ENFORCEMENT INVESTIGATIVE INFORMATION, MEDICAL EXAMINER INVESTIGATIVE INFORMATION, PAROLE AND PROBATION INFORMATION AND RECORDS, AND INFORMATION AND RECORDS OF A SOCIAL SERVICES AGENCY THAT PROVIDED SERVICES TO THE PERSON OR THE PERSON'S FAMILY.

1-606.

(A) MEETINGS OF A LOCAL COMMITTEE SHALL BE CLOSED TO THE PUBLIC AND NOT SUBJECT TO TITLE 3 OF THE GENERAL PROVISIONS ARTICLE WHEN THE LOCAL COMMITTEE IS DISCUSSING INDIVIDUAL CASES.

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, MEETINGS OF A LOCAL COMMITTEE SHALL BE OPEN TO THE PUBLIC AND SUBJECT TO TITLE 3 OF THE GENERAL PROVISIONS ARTICLE WHEN THE LOCAL COMMITTEE IS NOT DISCUSSING INDIVIDUAL CASES.

(C) (1) INFORMATION IDENTIFYING A DECEASED PERSON, A FAMILY MEMBER, OR AN ALLEGED OR SUSPECTED PERPETRATOR MAY NOT BE DISCLOSED DURING A PUBLIC MEETING.

(2) INFORMATION REGARDING THE INVOLVEMENT OF ANY AGENCY, ORGANIZATION, OR PERSON WITH A DECEASED PERSON OR THE PERSON'S FAMILY MAY NOT BE DISCLOSED DURING A PUBLIC MEETING.

(D) THIS SECTION DOES NOT PROHIBIT A LOCAL COMMITTEE FROM REQUESTING THE ATTENDANCE AT A COMMITTEE MEETING OF A PERSON WHO HAS INFORMATION RELEVANT TO THE EXERCISE OF THE COMMITTEE'S PURPOSE AND DUTIES UNDER THIS SUBTITLE.

(E) A VIOLATION OF THIS SECTION IS A MISDEMEANOR AND IS PUNISHABLE BY A FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 90 DAYS OR BOTH.

1-607.

(A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, ALL INFORMATION AND RECORDS ACQUIRED BY A LOCAL COMMITTEE IN THE EXERCISE OF ITS PURPOSE AND DUTIES UNDER THIS SUBTITLE:

(1) ARE CONFIDENTIAL;

(2) ARE EXEMPT FROM DISCLOSURE UNDER TITLE 4 OF THE GENERAL PROVISIONS ARTICLE; AND

(3) MAY BE DISCLOSED ONLY AS NECESSARY TO CARRY OUT THE LOCAL COMMITTEE'S DUTIES AND PURPOSES.

(B) STATISTICAL COMPILATIONS OF DATA THAT DO NOT CONTAIN ANY INFORMATION THAT WOULD PERMIT THE IDENTIFICATION OF ANY PERSON TO BE ASCERTAINED ARE PUBLIC RECORDS.

(C) REPORTS OF A LOCAL COMMITTEE THAT DO NOT CONTAIN ANY INFORMATION THAT WOULD PERMIT THE IDENTIFICATION OF ANY PERSON TO BE ASCERTAINED ARE PUBLIC INFORMATION.

(D) EXCEPT AS NECESSARY TO CARRY OUT A LOCAL COMMITTEE'S PURPOSE AND DUTIES UNDER THIS SUBTITLE, MEMBERS OF A LOCAL COMMITTEE AND PERSONS ATTENDING A LOCAL COMMITTEE MEETING MAY NOT DISCLOSE:

(1) WHAT TRANSPIRED AT A MEETING CLOSED TO THE PUBLIC UNDER § 1-606 OF THIS SUBTITLE; OR

(2) ANY INFORMATION THE DISCLOSURE OF WHICH IS PROHIBITED BY THIS SECTION.

(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, MEMBERS OF A LOCAL COMMITTEE, PERSONS ATTENDING A LOCAL COMMITTEE MEETING, AND PERSONS WHO PRESENT INFORMATION TO A LOCAL COMMITTEE MAY NOT BE QUESTIONED IN ANY CIVIL OR CRIMINAL PROCEEDING REGARDING INFORMATION PRESENTED IN OR OPINIONS FORMED AS A RESULT OF A MEETING.

(2) A PERSON MAY TESTIFY TO INFORMATION OBTAINED INDEPENDENTLY OF THE LOCAL COMMITTEE OR THAT IS PUBLIC INFORMATION.

(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, INFORMATION, DOCUMENTS, AND RECORDS OF A LOCAL COMMITTEE ARE NOT SUBJECT TO SUBPOENA, DISCOVERY, OR INTRODUCTION INTO EVIDENCE IN ANY CIVIL OR CRIMINAL PROCEEDING.

(2) INFORMATION, DOCUMENTS, AND RECORDS OTHERWISE AVAILABLE FROM OTHER SOURCES ARE NOT IMMUNE FROM SUBPOENA, DISCOVERY, OR INTRODUCTION INTO EVIDENCE THROUGH THOSE SOURCES SOLELY BECAUSE THEY WERE PRESENTED DURING PROCEEDINGS OF A LOCAL COMMITTEE OR ARE MAINTAINED BY A LOCAL COMMITTEE.

(G) A VIOLATION OF THIS SECTION IS A MISDEMEANOR AND IS PUNISHABLE BY A FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 90 DAYS OR BOTH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.