

HOUSE BILL 262

E2

0lr1895

By: **Chair, Judiciary Committee (By Request – Departmental – Health)**

Introduced and read first time: January 20, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Examination of Defendant by Maryland Department of**
3 **Health – Access to Judicial Records**

4 FOR the purpose of requiring that the Maryland Department of Health have access to
5 certain information maintained by the Judiciary about a certain defendant;
6 requiring the Department and the Judiciary to enter into an agreement regarding
7 certain matters at a certain time; and generally relating to access to judicial records
8 by the Maryland Department of Health.

9 BY adding to
10 Article – Criminal Procedure
11 Section 3–124
12 Annotated Code of Maryland
13 (2018 Replacement Volume and 2019 Supplement)

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

16 **Article – Criminal Procedure**

17 **3–124.**

18 **(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE HEALTH**
19 **DEPARTMENT SHALL HAVE ACCESS TO INFORMATION MAINTAINED BY THE**
20 **JUDICIARY ABOUT A CRIMINAL DEFENDANT WHO IS:**

21 **(1) SUBJECT TO EXAMINATION UNDER THE PROVISIONS OF THIS**
22 **TITLE;**

23 **(2) COMMITTED TO THE HEALTH DEPARTMENT UNDER THE**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 PROVISIONS OF THIS TITLE; OR

2 (3) ON CONDITIONAL RELEASE UNDER THE PROVISIONS OF THIS
3 TITLE.

4 (B) BEFORE EXCHANGING ANY INFORMATION IN ACCORDANCE WITH THIS
5 SECTION, THE HEALTH DEPARTMENT AND THE JUDICIARY SHALL ENTER INTO AN
6 AGREEMENT REGARDING:

7 (1) THE INDIVIDUALS WHO MAY HAVE ACCESS TO INFORMATION
8 UNDER THIS SECTION;

9 (2) WHAT INFORMATION IS ACCESSIBLE TO THE INDIVIDUALS IN ITEM
10 (1) OF THIS SUBSECTION; AND

11 (3) THE WAYS IN WHICH THE INFORMATION ACCESSED MAY BE USED.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
13 1, 2020.