

HOUSE BILL 703

E3

4lr2122

By: **Delegate Embry**

Introduced and read first time: January 26, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law – Police Record Concerning a Child – Confidentiality Exception**

3 FOR the purpose of authorizing the public disclosure by the Office of the Attorney General
4 of certain police records concerning a child in relation to an independent
5 investigation of certain police-involved incidents, subject to a certain requirement;
6 and generally relating to police records concerning a child.

7 BY repealing and reenacting, with amendments,
8 Article – Courts and Judicial Proceedings
9 Section 3–8A–27(a)
10 Annotated Code of Maryland
11 (2020 Replacement Volume and 2023 Supplement)

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

14 **Article – Courts and Judicial Proceedings**

15 3–8A–27.

16 (a) (1) **(I)** A police record concerning a child is confidential and shall be
17 maintained separate from those of adults. [Its]

18 **(II) THE contents OF A POLICE RECORD CONCERNING A CHILD**
19 may not be divulged, by subpoena or otherwise, except by order of the court upon good cause
20 shown or as otherwise provided in § 7–303 of the Education Article.

21 (2) This subsection does not prohibit:

22 (i) Access to and confidential use of the record by the Department of

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Juvenile Services or in the investigation and prosecution of the child by any law enforcement agency;

(ii) Access to and confidential use of the record by the Baltimore City Mayor's Office on Criminal Justice if the Baltimore City Mayor's Office on Criminal Justice is providing programs and services to a child who is the subject of the record, for a purpose relevant to the provisions of the programs and services and the development of a comprehensive treatment plan;

(iii) A law enforcement agency of the State or of a political subdivision of the State, the Department of Juvenile Services, or the criminal justice information system from including in the law enforcement computer information system information about:

1. An outstanding juvenile court ordered writ of attachment or an outstanding criminal court ordered writ of attachment, for the sole purpose of apprehending a child named in the writ;

2. An outstanding criminal court issued warrant, for the sole purpose of apprehending a child named in the warrant; or

3. A missing child as defined in § 9-401 of the Family Law Article; [or]

(iv) A law enforcement agency of the State or of a political subdivision of the State, when necessary and for the sole purposes of facilitating apprehension of a child and ensuring public safety, from releasing to the public photographs and identifying information of a child who:

1. Has escaped from:

A. A detention center for juveniles;

B. A secure residential facility for juveniles; or

C. A correctional unit as defined in § 2-401 of the Correctional Services Article;

2. Is a missing child as defined in § 9-401 of the Family Law Article; or

3. The court does not have jurisdiction over pursuant to § 3-8A-03(d)(1), (4), or (5) of this subtitle and who is subject to:

A. Arrest; or

B. An arrest warrant issued by a criminal court; **OR**

(V) IN RELATION TO AN INDEPENDENT INVESTIGATION UNDER
§ 6-602 OF THE STATE GOVERNMENT ARTICLE OF A POLICE-INVOLVED INCIDENT
RESULTING IN THE DEATH OR INJURY OF A CHILD, AND ONLY WITH THE EXPRESS
CONSENT OF THE PARENT OR GUARDIAN OF THE CHILD, THE OFFICE OF THE
ATTORNEY GENERAL FROM RELEASING TO THE PUBLIC:

1. THE NAME AND AGE OF THE CHILD; AND

2. PHOTOGRAPHS, VIDEO, OR OTHER VISUAL
DEPICTIONS OR DESCRIPTIONS OF THE POLICE-INVOLVED INCIDENT.

(3) The Baltimore City Mayor's Office on Criminal Justice shall be liable
for the unauthorized release of a police record it accesses under this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
October 1, 2024.