

HOUSE BILL 1310

L2, O4, S1

4lr3121

By: **Delegate Attar**

Introduced and read first time: February 9, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City Coordinated Youth Violence Review and Response Team**

3 FOR the purpose of establishing the Baltimore City Coordinated Youth Violence Review
4 and Response Team to examine and prevent violence against youth through
5 intensive case management; requiring that the review team be provided with access
6 to certain information and records; establishing certain closed meeting,
7 confidentiality, and disclosure requirements for certain information and records; and
8 generally relating to the Baltimore City Coordinated Youth Violence Review and
9 Response Team.

10 BY repealing and reenacting, without amendments,
11 Article – Local Government
12 Section 31–101(a) and (m)
13 Annotated Code of Maryland
14 (2013 Volume and 2023 Supplement)

15 BY adding to
16 Article – Local Government
17 Section 31–111
18 Annotated Code of Maryland
19 (2013 Volume and 2023 Supplement)

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

22 **Article – Local Government**

23 31–101.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(m) “Youth” means any person under the age of 21 years who:

(1) resides in Baltimore City;

(2) attends or graduated from an elementary or secondary school in Baltimore City; or

(3) participates in or graduated from any youth program in Baltimore City.

31-111.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “MAYOR” MEANS THE MAYOR OF BALTIMORE CITY.

(3) “REVIEW AND RESPONSE TEAM” MEANS THE BALTIMORE CITY COORDINATED YOUTH VIOLENCE REVIEW AND RESPONSE TEAM ESTABLISHED UNDER THIS SECTION.

(B) (1) THERE IS A BALTIMORE CITY COORDINATED YOUTH VIOLENCE REVIEW AND RESPONSE TEAM IN BALTIMORE CITY.

(2) THE MEMBERSHIP OF THE REVIEW AND RESPONSE TEAM SHALL BE ESTABLISHED BY THE MAYOR TO REFLECT A VARIETY OF ORGANIZATIONS, AGENCIES, AND AREAS OF EXPERTISE AND SHALL INCLUDE:

(I) THE MAYOR, OR THE MAYOR’S DESIGNEE;

(II) THE POLICE COMMISSIONER OF BALTIMORE CITY, OR THE COMMISSIONER’S DESIGNEE;

(III) THE BALTIMORE CITY COMMISSIONER OF HEALTH, OR THE COMMISSIONER’S DESIGNEE;

(IV) THE CHIEF EXECUTIVE OFFICER OF BALTIMORE CITY PUBLIC SCHOOLS, OR THE CHIEF EXECUTIVE OFFICER’S DESIGNEE;

(V) THE CHIEF OF THE BALTIMORE CITY SCHOOL POLICE, OR THE CHIEF’S DESIGNEE;

(VI) THE SECRETARY OF JUVENILE SERVICES, OR THE SECRETARY’S DESIGNEE; AND

(VII) THE SECRETARY OF HUMAN SERVICES, OR THE SECRETARY'S DESIGNEE.

(3) THE MAYOR SHALL DESIGNATE A CHAIR OR COCHAIRS FROM AMONG THE MEMBERS OF THE REVIEW AND RESPONSE TEAM.

(4) THE REVIEW AND RESPONSE TEAM MAY ESTABLISH SUBCOMMITTEES TO CARRY OUT THE WORK OF THE REVIEW AND RESPONSE TEAM.

(5) THE MAYOR SHALL ESTABLISH REQUIREMENTS AND PROCEDURES APPLICABLE TO THE REVIEW AND RESPONSE TEAM, INCLUDING:

(I) REQUIREMENTS FOR MEETINGS OF THE REVIEW AND RESPONSE TEAM AND ANY SUBCOMMITTEES ESTABLISHED BY THE REVIEW AND RESPONSE TEAM;

(II) CONFIDENTIALITY REQUIREMENTS; AND

(III) PROCEDURES RELATED TO THE COLLECTION, UTILIZATION, SHARING, AND DISCLOSURE OF INFORMATION COLLECTED BY THE REVIEW AND RESPONSE TEAM.

(C) (1) FOR PURPOSES OF THIS SUBSECTION A YOUTH IS AT A HIGH RISK OF BECOMING A VICTIM OF VIOLENCE IF THE YOUTH IS:

(I) THE VICTIM OF GUN VIOLENCE THAT OCCURS AFTER THE PREVIOUS MEETING OF THE REVIEW AND RESPONSE TEAM;

(II) A WITNESS TO GUN VIOLENCE; OR

(III) A FAMILY MEMBER OF A VICTIM OF GUN VIOLENCE.

(2) THE PURPOSE OF THE REVIEW AND RESPONSE TEAM IS TO:

(I) REVIEW CASES OF YOUTH IDENTIFIED AS HIGH RISK OF BECOMING A VICTIM OF VIOLENCE;

(II) IDENTIFY ROOT CAUSES AND PATTERNS WITHIN AND ACROSS PUBLIC SYSTEMS THAT HINDER UPSTREAM PREVENTION OF VIOLENCE AGAINST YOUTH;

(III) PROVIDE RECOMMENDATIONS BASED ON IDENTIFIED

1 FACTORS THAT HINDER UPSTREAM PREVENTION OF VIOLENCE AGAINST YOUTH FOR
2 QUALITY AND PERFORMANCE IMPROVEMENT;

3 (IV) FACILITATE COORDINATION AND COLLABORATION AMONG
4 ENTITIES INVOLVED IN PROVIDING YOUTH SERVICES; AND

5 (V) ASSIST IN THE IMPLEMENTATION OF PROCEDURAL,
6 LOGISTICAL, AND SYSTEM CHANGES TO MINIMIZE THE RISK OF VIOLENCE AGAINST
7 YOUTH.

8 (D) (1) ON REQUEST OF THE REVIEW AND RESPONSE TEAM AND AS
9 NECESSARY TO CARRY OUT THE PURPOSE AND DUTIES OF THE REVIEW AND
10 RESPONSE TEAM, THE REVIEW AND RESPONSE TEAM SHALL BE PROVIDED WITH
11 ACCESS TO:

12 (I) PUBLIC DATA, RECORDS OF SERVICE UTILIZATION HISTORY,
13 AND INFORMATION RELEVANT TO A YOUTH INCIDENT INVOLVING LAW
14 ENFORCEMENT UNDER REVIEW; AND

15 (II) INFORMATION AND RECORDS MAINTAINED BY A STATE OR
16 LOCAL GOVERNMENT AGENCY, INCLUDING DEATH CERTIFICATES, LAW
17 ENFORCEMENT INVESTIGATIVE INFORMATION, MEDICAL EXAMINER INVESTIGATIVE
18 INFORMATION, PAROLE AND PROBATION INFORMATION AND RECORDS, AND
19 INFORMATION AND RECORDS OF A SOCIAL SERVICES AGENCY, IF THE AGENCY
20 PROVIDED SERVICES TO AN INDIVIDUAL WHOSE INTERACTION WITH LAW
21 ENFORCEMENT DURING A YOUTH INCIDENT IS BEING REVIEWED BY THE REVIEW
22 AND RESPONSE TEAM.

23 (2) SUBSTANCE ABUSE TREATMENT RECORDS REQUESTED OR
24 PROVIDED UNDER THIS SUBSECTION ARE SUBJECT TO ANY ADDITIONAL
25 LIMITATIONS ON DISCLOSURE OR REDISCLOSURE OF A MEDICAL RECORD
26 DEVELOPED IN CONNECTION WITH THE PROVISION OF SUBSTANCE ABUSE
27 TREATMENT SERVICES UNDER STATE LAW OR 42 U.S.C. § 290DD-2 AND 42 C.F.R.
28 PART 2.

29 (E) (1) MEETINGS OF THE REVIEW AND RESPONSE TEAM SHALL BE
30 CLOSED TO THE PUBLIC AND ARE NOT SUBJECT TO THE OPEN MEETINGS ACT WHEN
31 THE REVIEW AND RESPONSE TEAM IS DISCUSSING INDIVIDUAL YOUTH INCIDENTS
32 OR INCIDENTS INVOLVING LAW ENFORCEMENT INTERACTION.

33 (2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, MEETINGS OF
34 THE REVIEW AND RESPONSE TEAM SHALL BE OPEN TO THE PUBLIC AND ARE
35 SUBJECT TO THE OPEN MEETINGS ACT WHEN THE REVIEW AND RESPONSE TEAM IS

1 NOT DISCUSSING INDIVIDUAL YOUTH INCIDENTS OR INCIDENTS INVOLVING LAW
2 ENFORCEMENT INTERACTION.

3 (3) (I) DURING A PUBLIC MEETING, INFORMATION MAY NOT BE
4 DISCLOSED THAT IDENTIFIES:

5 1. A DECEASED INDIVIDUAL;

6 2. AN INDIVIDUAL WHO IS INVOLVED IN A YOUTH
7 INCIDENT;

8 3. A FAMILY MEMBER, GUARDIAN, OR CARETAKER OF A
9 DECEASED INDIVIDUAL OR AN INDIVIDUAL INVOLVED IN A YOUTH INCIDENT; OR

10 4. AN INDIVIDUAL CONVICTED OF A CRIME OR
11 ADJUDICATED AS HAVING COMMITTED A DELINQUENT ACT.

12 (II) DURING A PUBLIC MEETING, INFORMATION MAY NOT BE
13 DISCLOSED ABOUT THE INVOLVEMENT OF ANY AGENCY WITH:

14 1. A DECEASED INDIVIDUAL;

15 2. AN INDIVIDUAL WHO IS INVOLVED IN A YOUTH
16 INCIDENT;

17 3. A FAMILY MEMBER, GUARDIAN, OR CARETAKER OF A
18 DECEASED INDIVIDUAL OR AN INDIVIDUAL INVOLVED IN A YOUTH INCIDENT; OR

19 4. AN INDIVIDUAL CONVICTED OF A CRIME OR
20 ADJUDICATED AS HAVING COMMITTED A DELINQUENT ACT.

21 (4) THIS SUBSECTION DOES NOT PROHIBIT THE REVIEW AND
22 RESPONSE TEAM FROM REQUESTING THE ATTENDANCE AT A TEAM MEETING OF A
23 PERSON WHO HAS INFORMATION RELEVANT TO THE REVIEW AND RESPONSE TEAM'S
24 EXERCISE OF ITS PURPOSE AND DUTIES.

25 (F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ALL
26 INFORMATION AND RECORDS ACQUIRED BY THE REVIEW AND RESPONSE TEAM IN
27 THE EXERCISE OF ITS PURPOSE AND DUTIES UNDER THIS SECTION:

28 (I) ARE CONFIDENTIAL AND EXEMPT FROM DISCLOSURE
29 UNDER THE PUBLIC INFORMATION ACT; AND

30 (II) MAY BE DISCLOSED ONLY AS NECESSARY TO CARRY OUT

1 THE REVIEW AND RESPONSE TEAM'S PURPOSE AND DUTIES.

2 (2) (I) MENTAL HEALTH RECORDS ARE SUBJECT TO THE
3 ADDITIONAL LIMITATIONS UNDER § 4-307 OF THE HEALTH – GENERAL ARTICLE
4 FOR DISCLOSURE OF A MEDICAL RECORD DEVELOPED PRIMARILY IN CONNECTION
5 WITH THE PROVISION OF MENTAL HEALTH SERVICES.

6 (II) SUBSTANCE ABUSE TREATMENT RECORDS ARE SUBJECT TO
7 ANY ADDITIONAL LIMITATIONS FOR DISCLOSURE OR REDISCLOSURE OF A MEDICAL
8 RECORD DEVELOPED IN CONNECTION WITH THE PROVISION OF SUBSTANCE ABUSE
9 TREATMENT SERVICES UNDER STATE LAW OR 42 U.S.C. § 290DD-2 AND 42 C.F.R.
10 PART 2.

11 (3) STATISTICAL COMPILATIONS OF DATA THAT DO NOT CONTAIN ANY
12 INFORMATION THAT WOULD ALLOW THE IDENTIFICATION OF ANY PERSON TO BE
13 ASCERTAINED ARE PUBLIC RECORDS.

14 (4) REPORTS OF THE REVIEW AND RESPONSE TEAM THAT DO NOT
15 CONTAIN ANY INFORMATION THAT WOULD ALLOW THE IDENTIFICATION OF ANY
16 PERSON TO BE ASCERTAINED ARE PUBLIC INFORMATION.

17 (5) EXCEPT AS NECESSARY TO CARRY OUT THE REVIEW AND
18 RESPONSE TEAM'S PURPOSE AND DUTIES, MEMBERS OF THE REVIEW AND RESPONSE
19 TEAM AND PERSONS ATTENDING THE REVIEW AND RESPONSE TEAM MEETING MAY
20 NOT DISCLOSE:

21 (I) WHAT TRANSPIRED AT A MEETING THAT IS NOT PUBLIC
22 UNDER SUBSECTION (E) OF THIS SECTION; OR

23 (II) ANY INFORMATION THE DISCLOSURE OF WHICH IS
24 PROHIBITED BY THIS SUBSECTION.

25 (6) (I) MEMBERS OF THE REVIEW AND RESPONSE TEAM,
26 INDIVIDUALS ATTENDING THE REVIEW AND RESPONSE TEAM MEETING, AND
27 INDIVIDUALS WHO PRESENT INFORMATION TO THE REVIEW AND RESPONSE TEAM
28 MAY NOT BE QUESTIONED IN ANY CIVIL OR CRIMINAL PROCEEDING ABOUT
29 INFORMATION PRESENTED IN OR OPINIONS FORMED AS A RESULT OF A MEETING.

30 (II) THIS PARAGRAPH DOES NOT PROHIBIT AN INDIVIDUAL
31 FROM TESTIFYING TO INFORMATION THAT IS OBTAINED INDEPENDENTLY OF THE
32 REVIEW AND RESPONSE TEAM OR THAT IS PUBLIC INFORMATION.

33 (7) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
34 PARAGRAPH, INFORMATION, DOCUMENTS, OR RECORDS OF THE REVIEW AND

1 RESPONSE TEAM ARE NOT SUBJECT TO SUBPOENA, DISCOVERY, OR INTRODUCTION
2 INTO EVIDENCE IN ANY CIVIL OR CRIMINAL PROCEEDING.

3 (II) INFORMATION, DOCUMENTS, OR RECORDS OTHERWISE
4 AVAILABLE FROM OTHER SOURCES ARE NOT IMMUNE FROM SUBPOENA, DISCOVERY,
5 OR INTRODUCTION INTO EVIDENCE THROUGH THOSE SOURCES SOLELY BECAUSE
6 THEY WERE PRESENTED DURING PROCEEDINGS OF THE REVIEW AND RESPONSE
7 TEAM OR ARE MAINTAINED BY THE REVIEW AND RESPONSE TEAM.

8 (G) AN INDIVIDUAL WHO VIOLATES SUBSECTION (E) OR (F) OF THIS
9 SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE
10 NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 90 DAYS OR BOTH.

11 (H) ON OR BEFORE JANUARY 1, 2025, AND EACH JANUARY 1 THEREAFTER,
12 THE REVIEW AND RESPONSE TEAM SHALL REPORT TO THE GENERAL ASSEMBLY, IN
13 ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, AGGREGATE
14 LEVEL INFORMATION ON THE YOUTH THAT WERE SERVED AND CONNECTED TO
15 SERVICES AND THEIR ASSOCIATED RISK FACTORS.

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