

HB0011/532411/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 11
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Sydnor” and substitute “Delegates Sydnor, Anderson, Cardin, Conaway, Corderman, Cox, D.M. Davis, J. Lewis, Lopez, McComas, Moon, and Shetty”; in line 2, strike “Photos and Videos” and substitute “Records”; strike beginning with “certain” in line 6 down through “juveniles” in line 7 and substitute “all police records and court records concerning the child from the time of the child’s arrest until a certain event occurs; establishing that, if a case is transferred to the juvenile court, certain provisions of law relating to confidentiality of juvenile records continue to apply to certain records and a certain criminal charge is subject to expungement under a certain provision of law; establishing certain exceptions to certain provisions of law relating to confidentiality of juvenile police records; and generally relating to juveniles charged as adults and juvenile records”; and after line 12, insert:

“BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings

Section 3-8A-27(a)(2)

Annotated Code of Maryland

(2013 Replacement Volume and 2018 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 9, insert:

“(2) This subsection does not prohibit:

(Over)

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(i) Access to and confidential use of the record by the Department of 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 Health Department's Office of Youth Violence Prevention:

1. If the Baltimore City Health Department's Office of Youth Violence Prevention is providing treatment or care to a child who is the subject of the record, for a purpose relevant to the provision of the treatment or care;

2. If the record concerns a child convicted of a crime or adjudicated delinquent for an act that caused a death or near fatality; or

3. If the record concerns a victim of a crime of violence, as defined in § 14-101 of the Criminal Law Article, who is a child residing in Baltimore City, for the purpose of developing appropriate programs and policies aimed at reducing violence against children in Baltimore City;

(iii) 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 provision of the programs and services and the development of a comprehensive treatment plan;

(iv) 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 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; or

(v) A law enforcement agency of the State or of a political subdivision of the State from releasing to the public photographs and identifying information of a child who has escaped from a detention center for juveniles [or], a secure residential facility for juveniles, OR A CORRECTIONAL UNIT, AS DEFINED IN § 2-401 OF THE CORRECTIONAL SERVICES ARTICLE, for the purposes of facilitating apprehension of the child and ensuring public safety.”.

AMENDMENT NO. 3

On page 3, in line 4, after “(I)” insert “(1)”; and strike beginning with “PHOTOGRAPHS” in line 6 down through “CHILD” in line 8 and substitute “ALL POLICE RECORDS AND COURT RECORDS CONCERNING THE CHILD FROM THE TIME OF THE CHILD’S ARREST UNTIL:

(I) THE TIME FOR THE FILING OF A MOTION TO TRANSFER TO JUVENILE COURT UNDER THE MARYLAND RULES HAS EXPIRED AND NO SUCH MOTION HAS BEEN FILED; OR

(II) A MOTION TO TRANSFER TO JUVENILE COURT HAS BEEN DENIED.

(2) IF A CASE IS TRANSFERRED TO THE JUVENILE COURT UNDER THIS SECTION:

(I) THE PROVISIONS OF § 3-8A-27 OF THE COURTS ARTICLE RELATING TO CONFIDENTIALITY OF RECORDS CONTINUE TO APPLY TO ALL POLICE AND COURT RECORDS CONCERNING THE CHILD; AND

(II) THE CRIMINAL CHARGE IS SUBJECT TO EXPUNGEMENT UNDER § 10-106 OF THIS ARTICLE”.