

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1310
Judiciary

(Delegate Attar)

Judicial Proceedings

Baltimore City Coordinated Youth Violence Review and Response Team

This bill establishes the Baltimore City Coordinated Youth Violence Review and Response Team to (1) review cases of youth identified as being at high risk of imminent harm; (2) identify root causes and patterns within and across public systems that hinder upstream prevention of violence against youth; (3) provide recommendations based on identified factors that hinder upstream prevention of violence against youth for quality and performance improvement; (4) facilitate coordination and collaboration among entities involved in providing services to youth at high risk of imminent harm; and (5) create specific safety plans using wraparound supports for the youth identified as being at high risk of imminent harm and the youth’s family and community, while protecting individual privacy rights as required by law. The bill also establishes provisions governing (1) review and response team membership; (2) access to and disclosure of specified information; and (3) meetings. A person who violates the bill’s provisions regarding meetings and the disclosure of information is subject to a specified penalty. By January 1, 2025, and each January 1 thereafter, the review and response team must report to the General Assembly de-identified aggregate level information on the youth that were served and connected to services and their associated risk factors.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill’s penalty provision. Affected State agencies can provide access to records and information on request of the review and response team with existing budgeted resources.

Local Effect: The bill is not anticipated to materially affect Baltimore City finances.

Small Business Effect: None.

Analysis

Bill Summary: The Mayor of Baltimore City must establish the membership of the review and response team, as specified, as well as the requirements and procedures applicable to the team, including (1) requirements for review and response team meetings and any subcommittees established by the review and response team; (2) confidentiality requirements; and (3) procedures related to the collection, utilization, sharing, and disclosure of information collected by the review and response team that are consistent with otherwise applicable privacy laws.

Each organization represented on the review and response team must enter into a memorandum of understanding, as specified, that identifies protocols and safeguards for the confidentiality of personally identifiable information and disaggregated data of youth at risk of imminent harm. The review and response team must maintain appropriate administrative, physical, and technical safeguards that protect the privacy, confidentiality, integrity, and availability of any information the review and response team obtains in compliance with the federal Family Educational Rights and Privacy Act and other relevant privacy laws and policies. Before submission of the required report to the General Assembly, the review and response team must allow each member of the team the opportunity to review the report to ensure that it aligns with the safeguards on data privacy and security.

On request of the review and response team and as necessary to carry out the team's purpose and duties, the review and response team must be provided with access to (1) public data, records of service unitization history, and information relevant to an incident involving law enforcement that involves a youth at high risk of imminent harm and (2) personally identifiable information and records maintained by a State or local government agency, as specified. In general, all information and records acquired by the review and response team are confidential, exempt from disclosure under the Public Information Act, and not subject to subpoena, discovery, or introduction into evidence in any civil or criminal proceeding. Mental health and substance abuse treatment records are subject to additional limitations. Specified types of data and reports are public records/information. The bill authorizes access to and confidential use of a police record concerning a child by the review and response team.

In order for the review and response team to discuss individual youth at risk of imminent harm and other highly confidential and sensitive information and data, meetings of the review and response team must be closed to the public and are not subject to the Open Meetings Act. The meetings are also subject to specified confidentiality requirements for the disclosure of information.

Generally, before review of an individual case, the review and response team must contact the parents or guardians of the youth at risk of imminent harm and obtain their consent to begin review of the individual case and recommend or provide services for the youth. The bill establishes procedures and requirements for (1) obtaining consent of the parent or guardian before review of the individual case and (2) notification of the parent or guardian if the review and response team considers information without consent of the parent or guardian.

For purposes of the review and response team, a youth is at a high risk of imminent harm if the youth is at least age 7 and younger than age 21 and is the victim of gun violence, a witness to gun violence, or a family member of a victim of gun violence.

“Youth” means any person younger than age 21 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.

A person who violates the bill’s provisions regarding meetings and the disclosure of information is guilty of a misdemeanor and on conviction is subject to maximum penalties of imprisonment for 90 days and/or a \$500 fine.

Current Law:

Baltimore City Behavioral Health Crisis Incident Review Team

Chapter 676 of 2022 established the Baltimore City Behavioral Health Crisis Incident Review Team in Baltimore City to (1) review behavioral health crisis incidents involving law enforcement in Baltimore City; (2) identify root causes and patterns within and across public systems that result in behavioral health crises involving law enforcement; (3) provide recommendations based on identified factors that contribute to behavioral health crises involving law enforcement for quality and performance improvement; (4) facilitate coordination and collaboration among entities involved in the behavioral health and law enforcement systems; and (5) assist in the implementation of procedural, logistical, and clinical changes to minimize the need for law enforcement involvement in behavioral health crises.

Local Fatality Review Teams

Under Maryland law, there are three types of local fatality review teams: local child fatality review teams (Title 5, Subtitle 7 of the Health-General Article); local drug overdose fatality review teams (Title 5, Subtitle 9 of the Health-General Article); and local domestic violence fatality review teams (Title 4, Subtitle 7 of the Family Law Article). Each county is required to have a child fatality review team (or a multicounty local team), while counties

are authorized to establish a drug overdose fatality review team or a domestic violence fatality review team.

Confidentiality of Juvenile Records

In general, police and court records concerning a child are confidential, and their contents may not be divulged, by subpoena or otherwise, except by court order upon a showing of good cause or in certain circumstances relating to notification of a local superintendent or nonpublic school principal upon the arrest of a child for specified offenses. This prohibition does not restrict access to and the use of court records in court proceedings involving the child by personnel of the court, the State's Attorney, counsel for the child, a court-appointed special advocate for the child, or authorized personnel of the Department of Juvenile Services (DJS). Subject to certain exceptions, the restriction also does not prohibit access to and confidential use of police and court records of a child by DJS or in an investigation and prosecution by a law enforcement agency. Additional exceptions are specified in statute.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Association of County Health Officers; Baltimore City Public Schools; Office of the Attorney General; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Maryland Department of Health; Department of Human Services; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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