
To: Members of The House Judiciary Committee

From: Family & Juvenile Law Section Council (FJLSC)
by Dan Renart, Esquire and Ilene Glickman, Esquire

Date: February 11, 2021

Subject: **House Bill 672:**
Juvenile Offense Database

Position: **OPPOSE**

The Maryland State Bar Association (MSBA) FJLSC **opposes House Bill 672 –Juvenile Offense Database.**

This testimony is submitted on behalf of the Family and Juvenile Law Section Council (“FJLSC”) of the Maryland State Bar Association (“MSBA”). The FJLSC is the formal representative of the Family and Juvenile Law Section of the MSBA, which promotes the objectives of the MSBA by improving the administration of justice in the field of family and juvenile law and, at the same time, tries to bring together the members of the MSBA who are concerned with family and juvenile laws and in reforms and improvements in such laws through legislation or otherwise. The FJLSC is charged with the general supervision and control of the affairs of the Section and authorized to act for the Section in any way in which the Section itself could act. The Section has over 1,200 attorney members.

In 1979, the Supreme Court reaffirmed that one of the historically important characteristics of juvenile court proceedings was its confidentiality which shields the juvenile from stigmatizing publicity.¹ The prevailing philosophy is that child offenders should be treated rather than punished. In *In re Gault*, the Supreme Court pointed to this policy of treatment as one of the most persuasive rationales for the existence of a separate and distinct judicial process.² This policy is manifested in the provisions for confidentiality in the Code and Rules.

House Bill 672 purports to require the Department of Juvenile Services in coordination with the Administrative Office of the Courts to develop, maintain, regularly update and publish a searchable database of all offenses involving juveniles on its website. The database shall include a

¹ *Smith v. Daily Mail Publ’g Co.*, 443 U.S. 97, 107 (1979)

² *In re Gault*, 387 U.S. 1, 23-25 (1967).

description of the offense, the date of the offense, location of the offense, and a general description of any judicial or other action taken with respect to the juvenile. The Database will also include any prior offenses committed by the juvenile effectively abolishing any confidentiality of the court proceedings.

Currently, there are twenty separate statutes mandating victims' rights, and victim notifications required by the State's Attorney. Core principles for record protection as noted by The Office of Juvenile Delinquency and Prevention (OJJDP) recommends "[Y]ouths' law enforcement and court records are not widely available and NEVER available online."³ "For rehabilitation to be truly effective and every opportunity available, it was widely understood that juvenile system involvement should be treated as confidential and that all records should be eradicated so children can start from a clean slate at the age of majority."⁴ Access to juvenile record information has devastating collateral consequences for kids, leading to the denial of secondary education, housing, gainful employment, military service and certain government benefits.

Passage of HB 672 does not advance the goals of juvenile court and criminalizes delinquent behavior. Additionally there would be a considerable fiscal note associated with implementation of this proposed bill.

For those reasons FJLSC of the Maryland State Bar oppose the passage of this bill and urges the House Judiciary Committee to issue an unfavorable report on HB 672.

Should you have any questions, please contact Daniel Renart, Esquire by e-mail at drenart@rghlawyers.com or by telephone at (301) 383-1525 or Ilene Glickman, Esquire by e-mail at Ilene@lawhj.com or by telephone at (410) 821-8718.

³ Failed Policies, Forfeited Futures: Revisiting a National Scorecard on Juvenile Records, Juvenile Law Center, 2014.

⁴ *Id.*