

HOUSE BILL 458

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1lr1656

By: **Delegates Stukes, Boteler, Conaway, Glass, Gutierrez, Haynes, Howard, Ivey, Kaiser, A. Miller, Mitchell, B. Robinson, Tarrant, Walker, and Washington**

Introduced and read first time: February 7, 2011

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Justice Information System – Prohibited Dissemination**

3 FOR the purpose of prohibiting the dissemination of certain criminal history record
4 information to a certain person if the information relates to a certain charge or
5 conviction, with a certain exception; providing that a certain provision of this
6 Act may not be abrogated by waiver or consent; defining a certain term; and
7 generally relating to the Criminal Justice Information System.

8 BY repealing and reenacting, without amendments,
9 Article – Criminal Procedure
10 Section 10–222 and 10–226
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2010 Supplement)

13 BY adding to
14 Article – Criminal Procedure
15 Section 10–230
16 Annotated Code of Maryland
17 (2008 Replacement Volume and 2010 Supplement)

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

20 **Article – Criminal Procedure**

21 10–222.

22 (a) Subject to § 10–226 of this subtitle, a person or a person’s attorney having
23 satisfactory identification and written authorization from the person may inspect

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 criminal history record information on the person that is maintained by a criminal
2 justice unit.

3 (b) A person with the right to inspect criminal history record information
4 under this section may make notes of the information.

5 (c) This section does not:

6 (1) require a criminal justice unit to copy any criminal history record
7 information; or

8 (2) allow a person to remove a document for copying.

9 10-226.

10 (a) A person may not inspect or challenge criminal history record
11 information under this subtitle if any of the criminal history record information is
12 relevant to a pending criminal proceeding.

13 (b) This section does not affect a person's right of inspection or discovery
14 allowed under the Maryland Rules or under any statute, rule, or regulation not a part
15 of or adopted under this subtitle.

16 **10-230.**

17 **(A) IN THIS SECTION, "NONVIOLENT CRIME" MEANS A CRIME THAT IS**
18 **NOT LISTED AS A CRIME OF VIOLENCE IN § 14-101 OF THE CRIMINAL LAW**
19 **ARTICLE.**

20 **(B) EXCEPT AS PROVIDED IN § 10-222 OF THIS PART, CRIMINAL**
21 **HISTORY RECORD INFORMATION MAY NOT BE DISSEMINATED TO A PERSON**
22 **OTHER THAN A CRIMINAL JUSTICE UNIT IF THE CRIMINAL HISTORY RECORD**
23 **INFORMATION RELATES TO A CHARGE OR CONVICTION FOR A NONVIOLENT**
24 **CRIME THAT WAS ALLEGEDLY COMMITTED MORE THAN 10 YEARS PREVIOUSLY.**

25 **(C) SUBSECTION (B) OF THIS SECTION MAY NOT BE ABROGATED BY**
26 **WAIVER OR CONSENT.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2011.