

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE**Revised**

Senate Bill 892

(Senator Kelley)

Judicial Proceedings

Judiciary

Child Abuse and Neglect - Reports and Records - Disclosure to Division of Parole and Probation

This bill requires the disclosure of a report or record concerning child abuse or neglect to the Division of Parole and Probation if, as a result of a report or investigation of suspected child abuse or neglect, the local department of social services has reason to believe that an individual who lives in or has a regular presence in a child's home is registered on the sexual offender registry based on the commission of an offense against a child.

Fiscal Summary

State Effect: The Department of Human Resources (DHR) can handle the bill's requirements using existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: All records and reports about child abuse and neglect are confidential; however, records of child abuse or neglect must be disclosed pursuant to an order of the court or an administrative law judge and, under certain circumstances and on a written request, to the Baltimore City Health Department. Child abuse and neglect records may be disclosed on request to employees or persons of interest as specified in statute, including specified personnel of DHR and local departments of social services, law enforcement personnel, and individuals who are providing treatment or care to a child who is the subject of a report of child abuse or neglect. Unauthorized disclosure of child

abuse or neglect records is a misdemeanor and is subject to up to 90 days imprisonment and/or a fine of up to \$500.

Generally, a person convicted of a sex crime or other specified crime in Maryland, including kidnapping and false imprisonment, is required to register with the State sex offender registry upon release from prison or release from court if the person did not receive a prison sentence. Offenders who are required to register in other states and who come to Maryland are required to register upon entering Maryland. Offenders from other states who may not be required to register in the home state are required to register in Maryland if the crime would have required registration in Maryland if committed in Maryland. Juveniles who are adjudicated delinquent for these offenses through the juvenile court system are not included in the registry.

Sexual offenders are required to register, every three months or every six months, with the Crimes Against Children and Sexual Offender Registry for a term of either 10 years or life depending on the offense. Registration must include a photograph, which must be updated at least annually. The registry is operated by the Sexual Offender Registry unit of the Department of Public Safety and Correctional Services. Under the State's sexual offender registration laws, a State's Attorney may request that a sexual offender be designated a sexually violent predator. Lifetime registration is required for (1) sexually violent predators; (2) persons convicted of a sexually violent offense; (3) persons convicted of child abuse for commission of a sexual act involving penetration of a child under 12 years old; and (4) recidivist sexual offenders.

Additional Information

Prior Introductions: None.

Cross File: HB 1330 (Delegate Conway, et al.) – Judiciary.

Information Source(s): Baltimore, Carroll, Harford, Montgomery, and St. Mary's counties; Department of State Police; Department of Public Safety and Correctional Services; Department of Legislative Services

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