

SENATE BILL 763

E2

2lr3172
CF HB 1429

By: **Senator Sydnor**

Introduced and read first time: February 7, 2022

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 3, 2022

CHAPTER _____

1 AN ACT concerning

2 ~~Collection~~ **Public Safety and Criminal Procedure – Collection, Reporting, and**
3 **Publication of Criminal Case and Prosecutorial Information**
4 **(Maryland Criminal Justice Data Transparency Act)**

5 FOR the purpose of requiring the Division of Parole and Probation to report certain
6 information annually to the General Assembly; establishing requirements for the
7 collection and dissemination of certain information relating to the Office of the
8 State’s Attorney in each county and Baltimore City, coordinated in a certain manner
9 by the ~~Administrative Office of the Courts and the~~ State Commission on Criminal
10 Sentencing Policy; altering the definition of student data to allow certain records to
11 be shared with the Maryland Longitudinal Data System Center; establishing the
12 Task Force to Study Criminal Justice Data Transparency; and generally relating to
13 ~~the Office of the State’s Attorney and the collection and publication of information~~
14 transparency of criminal justice data.

15 BY adding to

16 Article – Correctional Services

17 Section 6–122

18 Annotated Code of Maryland

19 (2017 Replacement Volume and 2021 Supplement)

20 BY adding to

21 Article – Criminal Procedure

22 Section 15–501 through ~~15–506~~ 15–504 to be under the new subtitle “Subtitle 5.

23 State’s Attorney’s Criminal Case and Prosecutorial Data Collection”

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2018 Replacement Volume and 2021 Supplement)

3 BY repealing and reenacting, without amendments,
4 Article – Education
5 Section 24–701(a) and 24–703(a) and (f)(1)
6 Annotated Code of Maryland
7 (2018 Replacement Volume and 2021 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article – Education
10 Section 24–701(l)
11 Annotated Code of Maryland
12 (2018 Replacement Volume and 2021 Supplement)

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

15 Article – Correctional Services

16 6–122.

17 ON OR BEFORE DECEMBER 1, 2022, AND EACH DECEMBER 1 THEREAFTER,
18 THE DIVISION SHALL REPORT, IN ACCORDANCE WITH § 2–1257 OF THE STATE
19 GOVERNMENT ARTICLE, TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE
20 AND THE HOUSE JUDICIARY COMMITTEE ON:

21 (1) MEASURES IT WILL TAKE TO IMPROVE OVERSIGHT OF OFFENDERS
22 UNDER THE SUPERVISION OF THE DIVISION WHO ARE INVOLVED IN HOMICIDES; AND

23 (2) THE NUMBER OF OFFENDERS SUPERVISED BY THE DIVISION THAT
24 WERE SHOOTING VICTIMS, HOMICIDE VICTIMS, OR CHARGED WITH HOMICIDE,
25 NONFATAL SHOOTING, RAPE, POLICE-INVOLVED SHOOTING, OR ANY CRIME
26 INVOLVING THE OFFENDER’S USE OF A FIREARM.

27 Article – Criminal Procedure

28 SUBTITLE 5. ~~STATE’S ATTORNEY’S~~ CRIMINAL CASE AND PROSECUTORIAL DATA
29 COLLECTION.

30 15–501.

31 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
32 INDICATED.

1 (B) "CASE NUMBER" MEANS THE UNIQUE NUMBER ASSIGNED TO A
2 CRIMINAL CASE ASSOCIATED WITH A PARTICULAR CRIMINAL CHARGE.

3 ~~(C) "CHARGE" MEANS AN ACCUSATION OF A CRIME BY A STATE'S ATTORNEY~~
4 ~~INITIATED BY A TICKET, A COMPLAINT, OR ANY OTHER CHARGING DOCUMENT A~~
5 ~~GUIDELINES ELIGIBLE CONVICTION CAPTURED BY THE AUTOMATED GUIDELINES~~
6 ~~SYSTEM.~~

7 ~~(D) "CHARGE DESCRIPTION" MEANS:~~

8 ~~(1) THE NAME OF THE CHARGE AS PROVIDED BY LAW;~~

9 ~~(2) A STATEMENT OF THE CRIMINAL PROVISION THAT IS ALLEGED TO~~
10 ~~HAVE BEEN VIOLATED;~~

11 ~~(3) THE ASSOCIATED STATUTORY SECTION ESTABLISHING THE~~
12 ~~ALLEGED CONDUCT AS CRIMINAL; AND~~

13 ~~(4) THE CLASSIFICATION OF THE CRIME.~~

14 ~~(E) "CHARGE IDENTIFICATION" MEANS THE UNIQUE IDENTIFICATION~~
15 ~~NUMBER ASSIGNED TO THE CHARGE.~~

16 ~~(F) (D) "CHARGE MODIFIER MODIFICATION" MEANS AN AGGRAVATING~~
17 ~~OR MITIGATING CIRCUMSTANCE OF AN ALLEGED CHARGE THAT ENHANCES,~~
18 ~~REDUCES, OR RECLASSIFIES THE ALLEGED CHARGE TO A DIFFERENT~~
19 ~~CLASSIFICATION GRADE OR LEVEL THE ENHANCEMENT, REDUCTION, OR~~
20 ~~RECLASSIFICATION OF A CHARGE TO A DIFFERENT CLASSIFICATION GRADE OR~~
21 ~~LEVEL DUE TO AGGRAVATING OR MITIGATING CIRCUMSTANCES.~~

22 ~~(G) (E) (C) "COMMISSION" MEANS THE STATE COMMISSION ON CRIMINAL~~
23 ~~SENTENCING POLICY.~~

24 ~~(H) "DISPOSITION" MEANS THE CONCLUSION OF THE PROSECUTION OF A~~
25 ~~CHARGE, INCLUDING:~~

26 ~~(1) NOLLE PROSEQUI;~~

27 ~~(2) DIVERSION;~~

28 ~~(3) DISMISSAL;~~

29 ~~(4) DISMISSAL AS PART OF A PLEA BARGAIN;~~

1 ~~(5) CONVICTION AS PART OF A PLEA BARGAIN;~~

2 ~~(6) CONVICTION AT TRIAL; AND~~

3 ~~(7) ACQUITTAL.~~

4 ~~(I) "INITIATION" MEANS THE CREATION OR INSTITUTION OF A CHARGE~~
 5 ~~AGAINST A CRIMINAL DEFENDANT, WHETHER BY POLICE, PROSECUTORS, GRAND~~
 6 ~~JURY, OR OTHER ENTITY.~~

7 ~~(J) (1) "POLICY" MEANS FORMAL, WRITTEN GUIDANCE FOR EMPLOYEES~~
 8 ~~OF A STATE'S ATTORNEY.~~

9 ~~(2) "POLICY" INCLUDES:~~

10 ~~(I) A PROCEDURE;~~

11 ~~(II) A GUIDELINE;~~

12 ~~(III) A MANUAL;~~

13 ~~(IV) TRAINING MATERIAL;~~

14 ~~(V) A DIRECTION;~~

15 ~~(VI) AN INSTRUCTION; OR~~

16 ~~(VII) ANY OTHER PIECE OF INFORMATION.~~

17 ~~(3) "POLICY" DOES NOT INCLUDE:~~

18 ~~(I) ATTORNEY WORK PRODUCT; OR~~

19 ~~(II) INFORMATIONAL LEGAL OR PROCEDURAL ADVICE OR~~
 20 ~~GUIDANCE OFFERED AMONG ATTORNEYS WITHIN AN OFFICE OF A STATE'S~~
 21 ~~ATTORNEY.~~

22 ~~(K) (F) (D)~~ "STATE'S ATTORNEY" MEANS THE OFFICE OF THE STATE'S
 23 ATTORNEY IN EACH COUNTY IN THE STATE AND BALTIMORE CITY.

24 ~~(L) "UNIQUE IDENTIFIER" MEANS A RANDOMLY GENERATED NUMBER THAT~~
 25 ~~IS ASSIGNED IN PLACE OF A DEFENDANT'S NAME.~~

26 15-502.

1 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AND IN
2 ACCORDANCE WITH § ~~15-505~~ 15-503 OF THIS SUBTITLE AND OTHER LOCAL AND
3 STATE LAW, THE ~~ADMINISTRATIVE OFFICE OF THE COURTS~~ COMMISSION, WITH
4 THE COOPERATION OF EACH STATE'S ATTORNEY, SHALL COLLECT AND DISCLOSE
5 THE FOLLOWING INFORMATION FOR EACH CASE PROSECUTED IN THE CIRCUIT
6 COURT:

7 (1) THE CASE NUMBER;

8 ~~(2) THE INDICTMENT NUMBER;~~

9 ~~(3) THE DOCKET NUMBER;~~

10 ~~(4) THE UNIQUE IDENTIFIER;~~

11 ~~(5)~~ (2) THE DEFENDANT'S:

12 (I) RACE; AND

13 (II) GENDER; ~~AND~~

14 ~~(III) DISABILITY STATUS, IF ANY, AND THE SOURCE OF THE~~
15 ~~DISABILITY STATUS;~~

16 ~~(6) THE INCIDENT DATE;~~

17 ~~(7)~~ (3) THE ARREST DATE DATE OF THE OFFENSE;

18 ~~(8) THE DISTRICT OR NEIGHBORHOOD OF ARREST;~~

19 ~~(9) THE PRIMARY ARRESTING AGENCY;~~

20 ~~(10) OTHER AGENCIES INVOLVED IN THE ARREST, IF ANY;~~

21 ~~(11) THE CHARGES LISTED ON THE ARRESTING AGENCY'S~~
22 ~~PAPERWORK;~~

23 ~~(12) IF APPLICABLE, THE REASON THE STATE'S ATTORNEY DECLINED~~
24 ~~TO PROSECUTE THE ARREST;~~

25 ~~(13)~~ (4) THE CHARGES BROUGHT BY THE STATE'S ATTORNEY;
26 ATTORNEY THAT RESULTED IN CONVICTIONS;

27 ~~(14) THE PROSECUTOR WHO BROUGHT THE CHARGE;~~

1 ~~(15)~~ (5) WHETHER THE DEFENDANT WAS ~~DETERMINED ELIGIBLE~~
 2 ~~FOR COURT-APPOINTED COUNSEL, AND THE PROCEEDING WHERE THE~~
 3 ~~DETERMINATION WAS MADE~~ REPRESENTED BY PRIVATE COUNSEL, A PUBLIC
 4 DEFENDER, OR COURT-APPOINTED COUNSEL OR PROCEEDED PRO SE;

5 ~~(16)~~ ~~THE ARRAIGNMENT DATE;~~

6 ~~(17)~~ ~~THE CHARGE MODIFICATION DATE;~~

7 ~~(18)~~ (6) WHETHER DIVERSION ~~WAS,~~ PROBLEM-SOLVING COURT, OR
 8 AN ALTERNATIVE SENTENCING PROGRAM WERE OFFERED AND, IF SO:

9 ~~(I)~~ ~~THE DATE DIVERSION WAS OFFERED;~~

10 ~~(II)~~ ~~IF STATED ON THE RECORD, THE JUDICIAL POSITION ON~~
 11 ~~DIVERSION; AND~~

12 ~~(III)~~ ~~THE DIVERSION TERMS, INCLUDING HOW MUCH THE~~
 13 ~~DEFENDANT MUST PAY;~~

14 ~~(19)~~ (7) WHETHER ~~THE~~ ANY CHARGE THAT RESULTED IN A
 15 CONVICTION CARRIES A MANDATORY MINIMUM SENTENCE;

16 ~~(20)~~ ~~THE PROSECUTOR'S RECOMMENDATION ON BAIL OR BOND,~~
 17 ~~INCLUDING RELEASE CONDITIONS;~~

18 ~~(21)~~ ~~WHETHER BAIL OR BOND WAS IMPOSED ON THE DEFENDANT;~~

19 ~~(22)~~ ~~WHETHER BOND WAS SECURED, UNSECURED, OR OTHER TYPE;~~

20 ~~(23)~~ ~~THE DATE BAIL OR BOND WAS IMPOSED;~~

21 ~~(24)~~ ~~IF ORDERED, RELEASE CONDITIONS;~~

22 ~~(25)~~ ~~THE DATE RANGE OF ANY PRETRIAL DETENTION;~~

23 ~~(26)~~ ~~INFORMATION ON WHETHER A RISK ASSESSMENT OR OTHER~~
 24 ~~ALGORITHM-BASED OR QUANTITATIVE TOOL WAS USED IN DETERMINING WHETHER~~
 25 ~~PRETRIAL DETENTION WAS ORDERED OR THE AMOUNT OF BAIL OR BOND AND, IF~~
 26 ~~USED;~~

27 ~~(I)~~ ~~THE NAME OF THE OFFICE OR AGENCY THAT CONDUCTED~~
 28 ~~THE RISK ASSESSMENT; AND~~

1 ~~(H) THE NAME OF ANY OFFICE, AGENCY, INDIVIDUAL, OR~~
2 ~~ATTORNEY THAT RECEIVED THE RISK ASSESSMENT RESULTS;~~

3 ~~(27) INFORMATION ON WHETHER A STATUTORY OR CONSTITUTIONAL~~
4 ~~RIGHT OF THE DEFENDANT WAS WAIVED, EITHER BY STIPULATION OR ON THE~~
5 ~~RECORD, INCLUDING:~~

6 ~~(I) THE DATE OF THE WAIVER;~~

7 ~~(II) THE RIGHT WAIVED; AND~~

8 ~~(III) WHETHER THE RIGHT WAS WAIVED AS A CONDITION OF A~~
9 ~~PLEA BARGAIN;~~

10 ~~(28) WHETHER A PLEA WAS OFFERED;~~

11 ~~(29) WHETHER A TIME LIMIT WAS PROVIDED WITH A PLEA OFFER;~~

12 ~~(30) ALL TERMS OF ALL PLEAS OFFERED, INCLUDING:~~

13 ~~(I) THE CHARGES DISMISSED;~~

14 ~~(II) THE SENTENCE RANGES FOR THE CHARGES DISMISSED;~~

15 ~~(III) THE CHARGES IN THE PLEA;~~

16 ~~(IV) THE SENTENCE RANGES FOR THE CHARGES IN THE PLEA;~~

17 ~~(V) ANY CHARGES COVERED BY THE PLEA BUT NOT PART OF~~
18 ~~THE CONVICTION; AND~~

19 ~~(VI) THE PENALTIES OR SENTENCE OFFERED FOR TAKING THE~~
20 ~~PLEA;~~

21 ~~(31) WHETHER THE PLEA WAS ACCEPTED OR REJECTED;~~

22 ~~(32) WHETHER DISCOVERY WAS OFFERED TO THE DEFENDANT BEFORE~~
23 ~~THE PLEA;~~

24 ~~(33) THE DATE DISCOVERY WAS DISCLOSED TO THE DEFENSE OR~~
25 ~~DEFENDANT;~~

26 ~~(34) THE PRESIDING JUDGE AT THE PRETRIAL STAGE;~~

27 ~~(35)~~ (8) THE DISPOSITION, INCLUDING; AND

1 ~~(I) THE CASE OR CHARGES DISMISSED BY THE STATE'S~~
 2 ~~ATTORNEY, IF ANY;~~

3 ~~(II) IF DISMISSED, THE REASON FOR DISMISSAL;~~

4 ~~(III) IF CONVICTED, WHETHER BY PLEA, JURY TRIAL, OR BENCH~~
 5 ~~TRIAL; AND~~

6 ~~(IV) IF THE CASE WAS DISMISSED BY A JUDGE, THE REASON FOR~~
 7 ~~DISMISSAL;~~

8 ~~(36) THE PRESIDING JUDGE AT THE DISPOSITION;~~

9 ~~(37) THE DISPOSITION DATE;~~

10 ~~(38) THE SENTENCE TYPE;~~

11 ~~(39) (9) THE SENTENCE LENGTH;~~

12 ~~(40) THE PRESIDING JUDGE AT SENTENCING;~~

13 ~~(41) SUPERVISION TERMS;~~

14 ~~(42) SERVICES REQUIRED OR PROVIDED, IF ANY;~~

15 ~~(43) FINES, FEES, OR SURCHARGES REQUIRED, IF ANY; AND~~

16 ~~(44) FORFEITURE OF PROPERTY REQUIRED, IF ANY.~~

17 (B) INFORMATION DISCLOSED UNDER SUBSECTION (A) OF THIS SECTION
 18 MAY NOT INCLUDE ANY IDENTIFIABLE INFORMATION RELATING TO A WITNESS.

19 (C) EACH STATE'S ATTORNEY SHALL COOPERATE WITH THE
 20 ~~ADMINISTRATIVE OFFICE OF THE COURTS COMMISSION~~ TO PROVIDE ANY DATA
 21 NECESSARY TO MEET THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION.

22 (D) THE ~~ADMINISTRATIVE OFFICE OF THE COURTS COMMISSION~~ SHALL
 23 RECORD AND MAINTAIN THE INFORMATION COLLECTED IN ACCORDANCE WITH THIS
 24 SECTION FOR AT LEAST 10 YEARS.

25 ~~15-503.~~

26 ~~(A) EACH STATE'S ATTORNEY SHALL COLLECT AND PUBLISH ON THE~~
 27 ~~WEBSITE FOR EACH OFFICE IN ACCORDANCE WITH § 15-504 OF THIS SUBTITLE;~~

- 1 **(1) ~~ALL OFFICE POLICIES RELATED TO:~~**
- 2 **~~(I) CHARGING AND CHARGE DISMISSAL;~~**
- 3 **~~(II) BAIL;~~**
- 4 **~~(III) SENTENCING;~~**
- 5 **~~(IV) PLEA BARGAINS;~~**
- 6 **~~(V) GRAND JURY PRACTICES;~~**
- 7 **~~(VI) DISCOVERY PRACTICES;~~**
- 8 **~~(VII) WITNESS TREATMENT, INCLUDING WHEN AND HOW TO~~**
- 9 **~~PROCURE A MATERIAL WITNESS WARRANT;~~**
- 10 **~~(VIII) HOW A DECISION IS MADE TO PROSECUTE A MINOR AS AN~~**
- 11 **~~ADULT;~~**
- 12 **~~(IX) HOW FINES AND FEES ARE ASSESSED;~~**
- 13 **~~(X) CRIMINAL AND CIVIL FORFEITURE PRACTICES;~~**
- 14 **~~(XI) MENTAL HEALTH SCREENING AND COLLECTION OF MENTAL~~**
- 15 **~~HEALTH HISTORY;~~**
- 16 **~~(XII) SUBSTANCE ABUSE SCREENING AND COLLECTION OF~~**
- 17 **~~SUBSTANCE ABUSE HISTORY;~~**
- 18 **~~(XIII) DOMESTIC VIOLENCE SURVIVORS;~~**
- 19 **~~(XIV) DIVERSION PRACTICES AND POLICIES;~~**
- 20 **~~(XV) HUMAN RESOURCES, INCLUDING:~~**
- 21 **~~1. HIRING;~~**
- 22 **~~2. EVALUATING;~~**
- 23 **~~3. PROMOTING; AND~~**
- 24 **~~4. ROTATION AMONG DIVISIONS OR UNITS;~~**

~~(XVI) INTERNAL DISCIPLINE POLICIES AND PROCEDURES;~~

~~(XVII) VICTIM SERVICES;~~

~~(XVIII) RESTORATIVE JUSTICE PROGRAMS;~~

~~(XIX) A LISTING OF OFFICE TRAININGS IN THE IMMEDIATELY
PRECEDING CALENDAR YEAR;~~

~~(XX) PRACTICES INVOLVING TRACKING AND RESPONDING TO AN
INMATE APPLICATION FOR PAROLE AND RESENTENCING; AND~~

~~(XXI) POLICIES SPECIFIC TO VULNERABLE POPULATIONS; AND~~

~~(2) THE NUMBER OF:~~

~~(I) ATTORNEYS ON STAFF;~~

~~(II) CASES HANDLED EACH YEAR FOR EACH ATTORNEY;~~

~~(III) ATTORNEYS WHO WORKED IN THE OFFICE IN A TEMPORARY
OR CONTRACTUAL CAPACITY DURING THE IMMEDIATELY PRECEDING CALENDAR
YEAR;~~

~~(IV) PARALEGALS AND ADMINISTRATIVE STAFF EMPLOYED BY
THE OFFICE;~~

~~(V) INVESTIGATORS UTILIZED DURING THE IMMEDIATELY
PRECEDING CALENDAR YEAR;~~

~~(VI) EXPERTS UTILIZED DURING THE IMMEDIATELY PRECEDING
CALENDAR YEAR WHETHER ON STAFF OR OTHERWISE EMPLOYED; AND~~

~~(VII) POLICE OR DETECTIVES WHO WORK DIRECTLY FOR THE
OFFICE.~~

~~(B) IF A STATE'S ATTORNEY DOES NOT MAINTAIN A POLICY RELATED TO
THE TOPICS DESCRIBED IN SUBSECTION (A)(1) OF THIS SECTION, THE STATE'S
ATTORNEY SHALL AFFIRMATIVELY DISCLOSE THAT FACT.~~

~~15-504.~~

~~(A) BEGINNING APRIL 1, 2023, EACH STATE'S ATTORNEY SHALL MAKE
PUBLICLY AVAILABLE ALL THE INFORMATION DESCRIBED IN § 15-503 OF THIS
SUBTITLE BY:~~

1 ~~(1) PUBLISHING THE INFORMATION ON THE STATE'S ATTORNEY'S~~
2 ~~WEBSITE; AND~~

3 ~~(2) PROVIDING THE INFORMATION TO ANY PERSON WHO REQUESTS~~
4 ~~THE INFORMATION DIRECTLY FROM THE STATE'S ATTORNEY.~~

5 ~~(B) THE STATE'S ATTORNEY SHALL INCLUDE IN THE INFORMATION~~
6 ~~COLLECTED UNDER § 15-503 OF THIS SUBTITLE:~~

7 ~~(1) THE EFFECTIVE DATE OF THE POLICY; OR~~

8 ~~(2) THE DATE THE INFORMATION WAS GATHERED.~~

9 ~~(C) EACH STATE'S ATTORNEY SHALL PUBLISH REVISED, UPDATED, OR~~
10 ~~NEWLY DRAFTED POLICIES OR NEWLY COLLECTED INFORMATION ON A TIMELY~~
11 ~~BASIS AT LEAST ONCE EACH YEAR.~~

12 ~~15-505.~~

13 ~~(A) (1) THE COMMISSION, IN COORDINATION WITH THE~~
14 ~~ADMINISTRATIVE OFFICE OF THE COURTS, SHALL:~~

15 ~~(I) DETERMINE THE MANNER IN WHICH THE ADMINISTRATIVE~~
16 ~~OFFICE OF THE COURTS PROVIDES TO THE COMMISSION THE INFORMATION~~
17 ~~COLLECTED UNDER § 15-502 OF THIS SUBTITLE;~~

18 ~~(II) ENSURE THAT DISCLOSURE OF INFORMATION UNDER THIS~~
19 ~~SUBTITLE IS PERFORMED IN A UNIFORM AND CONSISTENT MANNER; AND~~

20 ~~(III) DETERMINE AN IMPLEMENTATION SCHEDULE AND PLAN BY~~
21 ~~WHICH THE ADMINISTRATIVE OFFICE OF THE COURTS WILL DISCLOSE~~
22 ~~INFORMATION COLLECTED UNDER § 15-502 OF THIS SUBTITLE ON OR BEFORE~~
23 ~~OCTOBER 1, 2025.~~

24 ~~(2) THE IMPLEMENTATION SCHEDULE AND PLAN DESCRIBED UNDER~~
25 ~~PARAGRAPH (1) OF THIS SUBSECTION MAY:~~

26 ~~(I) INCLUDE IMPLEMENTATION ON A ROLLING BASIS THAT~~
27 ~~STARTS BY PRIORITIZING A SUBSET OF THE DATA COLLECTED UNDER § 15-502 OF~~
28 ~~THIS SUBTITLE; OR~~

29 ~~(II) PRIORITIZE DISCLOSURE OF SPECIFIC INFORMATION FROM~~
30 ~~LARGER STATE'S ATTORNEY OFFICES.~~

~~(B) (1) ON OR BEFORE OCTOBER 1, 2023, AND IN ACCORDANCE WITH THE IMPLEMENTATION SCHEDULE AND PLAN DESCRIBED IN SUBSECTION (A) OF THIS SECTION, THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL BEGIN DISCLOSING DATA, STRIPPED OF ANY INDIVIDUALIZED OR IDENTIFYING PERSONAL INFORMATION ABOUT ANY PERSON ARRESTED OR PROSECUTED, TO THE COMMISSION FOR THE IMMEDIATELY PRECEDING CALENDAR YEAR.~~

~~(2) ON OR BEFORE JANUARY 31, 2024, THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL COMPLETE THE REQUIRED DISCLOSURE OF DATA UNDER THIS SUBSECTION.~~

15-503.

~~(C) (A) (1) ON OR BEFORE MAY 1, 2024 2025, AND EACH MAY 1 THEREAFTER, THE COMMISSION SHALL PUBLISH ONLINE THE DATA COLLECTED UNDER § 15-502 OF THIS SUBTITLE IN A MODERN, OPEN, ELECTRONIC FORMAT THAT IS MACHINE-READABLE, MACHINE-SEARCHABLE, AND READILY ACCESSIBLE TO THE PUBLIC ON THE COMMISSION'S WEBSITE.~~

~~(2) (B) DATA PUBLISHED IN ACCORDANCE WITH THIS SUBSECTION MAY NOT CONTAIN INDIVIDUALIZED OR IDENTIFYING PERSONAL INFORMATION ABOUT ANY PERSON ARRESTED OR PROSECUTED.~~

~~(D) ON OR BEFORE SEPTEMBER 1, 2024, THE COMMISSION SHALL REPORT ON THE DATA RECEIVED FROM THE ADMINISTRATIVE OFFICE OF THE COURTS, COMPARING AND CONTRASTING THE PRACTICES AND TRENDS AMONG JURISDICTIONS.~~

~~(E) (1) THE COMMISSION SHALL, AT LEAST TWICE PER YEAR, PUBLISH ISSUE-SPECIFIC REPORTS THAT PROVIDE IN-DEPTH ANALYSIS OF ONE OR MORE AREAS OF PROSECUTORIAL DECISION-MAKING.~~

~~(2) AT LEAST ONE REPORT UNDER THIS SUBSECTION SHALL FOCUS ON RACIAL DISPARITIES.~~

~~15-506.~~ 15-504.

(A) (1) IN ORDER TO COMPLY WITH A REQUEST MADE UNDER THE MARYLAND PUBLIC INFORMATION ACT, A STATE'S ATTORNEY MAY SATISFY A REQUEST FOR INFORMATION GATHERED AS REQUIRED UNDER THIS SUBTITLE BY REFERRING THE REQUESTING PARTY TO THE COMMISSION WEBSITE CONTAINING THE DATA IF THE STATE'S ATTORNEY:

1 (I) IS IN COMPLIANCE WITH THIS SUBTITLE; AND

2 (II) IN GOOD FAITH, REASONABLY BELIEVES THAT THE
3 REQUEST FOR INFORMATION CAN BE SATISFIED BY REFERENCE TO THE DATA MADE
4 PUBLICLY AVAILABLE UNDER THIS SUBTITLE.

5 (2) IF AN INFORMATION REQUEST IS ABLE TO BE SATISFIED IN
6 ACCORDANCE WITH THIS SUBSECTION, THE STATE'S ATTORNEY MAY FULFILL THE
7 REQUEST WITHOUT AFFIRMATIVELY COLLECTING OR DISCLOSING THE PARTICULAR
8 INFORMATION BEING REQUESTED.

9 (B) THE REQUESTING PARTY MAY SEEK JUDICIAL REVIEW IN ACCORDANCE
10 WITH § 4-362 OF THE GENERAL PROVISIONS ARTICLE FOR PURPOSES OF
11 COMPELLING DISCLOSURE IF:

12 (1) THE REQUESTING PARTY DOES NOT BELIEVE THAT THE REQUEST
13 CAN BE SATISFIED UNDER THIS SECTION; AND

14 (2) THE STATE'S ATTORNEY REFUSES TO DISCLOSE THE
15 INFORMATION BEING REQUESTED.

16 Article – Education

17 24-701.

18 (a) In this subtitle the following words have the meanings indicated.

19 (l) (1) “Student data” means data relating to or impacting student
20 performance.

21 (2) “Student data” includes:

22 (i) State and national assessments;

23 (ii) Course-taking and completion;

24 (iii) Grade point average;

25 (iv) Remediation;

26 (v) Retention;

27 (vi) Degree, diploma, or credential attainment;

28 (vii) Enrollment;

- 1 (viii) Demographic data;
- 2 (ix) Juvenile delinquency records;
- 3 (x) Elementary and secondary school disciplinary records;
- 4 (xi) Child welfare data;
- 5 (xii) License, industry certificate, or vocational certificate; and
- 6 (xiii) Personally identifiable information.

7 (3) “Student data” does not include[:

- 8 (i) Criminal and CINA records; and
- 9 (ii) Medical] MEDICAL and health records.

10 24–703.

11 (a) There is a Maryland Longitudinal Data System Center.

12 (f) The Center shall perform the following functions and duties:

13 (1) Serve as a central repository of student data and workforce data in the
14 Maryland Longitudinal Data System, including data sets provided by:

- 15 (i) The State Department of Education;
- 16 (ii) Local education agencies;
- 17 (iii) The Maryland Higher Education Commission;
- 18 (iv) Institutions of higher education;
- 19 (v) The Maryland Department of Labor;
- 20 (vi) The Department of Juvenile Services; and
- 21 (vii) The Social Services Administration within the Department of
22 Human Services;

23 SECTION 2. AND BE IT FURTHER ENACTED, That:

24 (a) There is a Task Force to Study Criminal Justice Data Transparency.

25 (b) The Task Force consists of the following members:

1 (1) two members of the Senate of Maryland, appointed by the President of
2 the Senate;

3 (2) two members of the House of Delegates, appointed by the Speaker of
4 the House;

5 (3) the President of the Maryland State's Attorneys' Association, or the
6 President's designee;

7 (4) the Executive Director of the Maryland State Commission on Criminal
8 Sentencing Policy, or the Executive Director's designee;

9 (5) one representative of the Administrative Office of the Courts, appointed
10 by the ~~Governor~~ Chief Judge of the Court of Appeals; and

11 (6) one representative of the Vera Institute of Justice, appointed by the
12 Governor.

13 (c) The President of the Senate and the Speaker of the House shall each designate
14 one co-chair of the Task Force.

15 (d) The Maryland State Commission on Criminal Sentencing Policy shall provide
16 staff for the Task Force.

17 (e) A member of the Task Force:

18 (1) may not receive compensation as a member of the Task Force; but

19 (2) is entitled to reimbursement for expenses under the Standard State
20 Travel Regulations, as provided in the State budget.

21 (f) The Task Force shall:

22 (1) study the possibility of expanding the data collection and disclosure
23 requirements established under Section 1 of this Act to include cases of the District Court;
24 and

25 (2) make recommendations on potential statutory changes necessary to
26 expand data collection and reporting.

27 (g) On or before December 31, 2023, the Task Force shall report its findings and
28 recommendations to the Senate Judicial Proceedings Committee and the House Judiciary
29 Committee in accordance with § 2-1257 of the State Government Article.

30 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That, if any provision of this Act
31 or the application thereof to any person or circumstance is held invalid for any reason in a

1 court of competent jurisdiction, the invalidity does not affect other provisions or any other
2 application of this Act that can be given effect without the invalid provision or application,
3 and for this purpose the provisions of this Act are declared severable.

4 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2022. Section 2 of this Act shall remain effective for a period of 1 year and 9
6 months and, at the end of June 30, 2024, Section 2 of this Act, with no further action
7 required by the General Assembly, shall be abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.