

SB 763 A STAFF MEASURE SUMMARY**Carrier:** Sen. Manning Jr**Senate Committee On Judiciary**

Action Date: 03/28/23
Action: Do pass with amendments. (Printed A-Eng.)
Vote: 3-2-0-0
Yeas: 3 - Gelser Blouin, Manning Jr, Prozanski
Nays: 2 - Linthicum, Thatcher
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
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Meeting Dates: 2/14, 3/28

WHAT THE MEASURE DOES:

Prohibits employer, state agency or licensing board from taking certain actions on basis of record created or maintained under jurisdiction of juvenile court. For the existence or contents of: 1) a record that was expunged under the juvenile record expunction statutes, 2) a juvenile court record, or 3) a record of contact (these three will be referred to as specified records), prohibits an employer from requiring an applicant for employment, licensing or admission to answer any questions regarding specified records; prohibits inquiry regarding specified records; disallows barring, discharging from employment or refusing to hire or employ such an individual because of the existence or content of specified records. Provides an exemption for entities where a law explicitly requires or authorizes the entity to consider the juvenile adjudication history of an applicant, and exceptions for certain person crimes, for obtaining certain licenses or certificates, and for enrollment in the Central Background Registry. Specifies that certain information regarding justice-involved youth from the case record may be released to the victim or law enforcement, if reasonably necessary for the performance of official duties. Specifies what persons may receive certain information regarding justice-involved youth. Modifies what entities may release certain information and specifies and places limits on the use of that information. States that a juvenile court's adjudication that a youth is within the juvenile court's jurisdiction does not disqualify the person from holding any public office, or pursuing any lawful calling (unless a law explicitly authorizes disqualification). Operative date of July 1, 2024.

ISSUES DISCUSSED:

- Juvenile adjudication is meant to be distinct from the adult system
- Current law is ambiguous; juvenile records are following young people into adulthood and preventing them from engaging in activities that reduce recidivism
- Does not affect law enforcement
- Provides consideration of violent offenses
- Senate Bill 397 (2021)
- Currently a person who has an offense as a minor of any type could be denied a professional opportunity
- What other states are doing

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

Senate Bill 763 A modifies when an employer, state agency or licensing board can take action based on juvenile records, with specific exceptions. Current statutory language focuses on whether the record has been expunged instead of whether it was created or maintained by a juvenile court. Specifies that a determination that a youth is within the juvenile court's jurisdiction does not disqualify that person from holding public office, and that unless a

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law specifically authorizes disqualification, a juvenile adjudication does not disqualify a person from engaging in any lawful activity, occupation, profession or calling. Allows certain information about acts committed by a youth to be disclosed to the victim of the act, law enforcement, the district attorney, a county juvenile authority and certain other entities.