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**CRIMINAL RECORDS) JUVENILE CAUSES) REPORTING
OF JUVENILE ARREST INFORMATION TO CRIMINAL
JUSTICE INFORMATION SYSTEMS**

February 1, 1994

*Mr. Paul E. Leuba
Director, Data Services Division
Department of Public Safety & Correctional Services*

You have requested our opinion regarding the authority of the Department of Public Safety and Correctional Services to adopt a regulation that would, with certain confidentiality strictures, require that the fingerprints of juveniles who were arrested by a law enforcement agency be included in the Criminal Justice Information System ("CJIS").

As you point out in your inquiry, Assistant Attorney General Mark H. Bowen had previously advised the Department that it did have such authority. Moreover, in a very recent letter of advice, a copy of which is attached, Assistant Attorney General Kathryn M. Rowe reviewed the statutory framework and reached the same conclusion: The reporting of fingerprints and identifying information that are collected by a law enforcement agency incident to an arrest of a juvenile may be reported to CJIS, provided that CJIS maintains that information separately from information about the arrest of adults and protects the confidentiality of the information, in accordance with §3-828(a) of the Courts and Judicial Proceedings Article. Letter to Delegate Ellen R. Sauerbrey (January 24, 1994).

We have carefully reviewed the matter and concur with the conclusion stated in Ms. Rowe's letter of advice and the earlier advice given by Mr. Bowen.

J. Joseph Curran, Jr.
Attorney General

Jack Schwartz
*Chief Counsel
Opinions & Advice*