

SENATE BILL 712

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0lr2183

By: **Senators Carter and Lam**

Introduced and read first time: February 3, 2020

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Electronic Courts – Electronic Filing – Sealing of Documents**

3 FOR the purpose of authorizing an individual who files a document using the system of
4 electronic filing and case management established by the Court of Appeals to request
5 that the document be sealed in a certain manner; requiring the clerk to temporarily
6 seal a certain document pending a certain court determination or for a certain period
7 of time; requiring the court to issue a certain order under certain circumstances;
8 requiring the clerk to make a certain document available to the public under certain
9 circumstances; and generally relating to the system of electronic filing and case
10 management established by the Court of Appeals.

11 BY adding to
12 Article – Courts and Judicial Proceedings
13 Section 6–412
14 Annotated Code of Maryland
15 (2013 Replacement Volume and 2019 Supplement)

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

18 **Article – Courts and Judicial Proceedings**
19 **6–412.**

20 **(A) AN INDIVIDUAL WHO FILES A DOCUMENT USING THE SYSTEM OF**
21 **ELECTRONIC FILING AND CASE MANAGEMENT ESTABLISHED BY THE COURT OF**
22 **APPEALS MAY REQUEST THAT THE DOCUMENT BE SEALED BY:**

23 **(1) STATING PROMINENTLY IN THE CAPTION THAT THE DOCUMENT IS**
24 **TO BE SEALED;**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) USING A FILE NAME THAT INCLUDES THE WORD “SEALED”;**

2 **(3) STATING WHETHER THERE IS A COURT ORDER TO SEAL THE**
3 **DOCUMENT IN EFFECT AND, IF SO, IDENTIFYING THAT ORDER; AND**

4 **(4) IF THERE IS NO COURT ORDER IN EFFECT TO SEAL THE**
5 **DOCUMENT, INCLUDING A MOTION TO SEAL THE DOCUMENT.**

6 **(B) IF AN INDIVIDUAL SUBMITS A MOTION TO SEAL A DOCUMENT UNDER**
7 **THIS SECTION, THE CLERK SHALL TEMPORARILY SEAL THE DOCUMENT PENDING**
8 **THE COURT’S ACTION UNDER SUBSECTION (C) OF THIS SECTION.**

9 **(C) (1) IF THE COURT DETERMINES THAT THE DOCUMENT SHOULD BE**
10 **SEALED, THE COURT SHALL ISSUE AN ORDER THAT THE DOCUMENT BE SEALED.**

11 **(2) IF THE COURT DETERMINES THAT THE DOCUMENT SHOULD NOT**
12 **BE SEALED, THE CLERK SHALL MAKE THE DOCUMENT AVAILABLE TO THE PUBLIC.**

13 **(3) IF THE COURT DOES NOT MAKE A DETERMINATION ON WHETHER**
14 **THE DOCUMENT SHOULD BE SEALED WITHIN 15 DAYS AFTER AN INDIVIDUAL FILED**
15 **THE DOCUMENT, THE CLERK SHALL MAKE THE DOCUMENT AVAILABLE TO THE**
16 **PUBLIC.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2020.