HOUSE BILL 686

D1 1lr1936

By: Delegate McComas

Introduced and read first time: January 26, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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Court Officials - Public Disclosure of Personal Information

3 FOR the purpose of authorizing a certain court official or an immediate family member of 4 the court official to make a written request to a person who discloses on the Internet 5 or through certain other means of publication certain personal information about the 6 court official or the immediate family member to remove the information; providing 7 for a request under this Act to be made on behalf of a minor; requiring a person who 8 receives a request under this Act to remove the information within a certain period 9 of time and prohibiting the person from subsequently disclosing certain personal information; authorizing actions for an injunction and for damages for a violation of 10 11 this Act; requiring that a custodian of records deny the inspection of a part of a public 12 record that contains the home address or telephone number of certain current and 13 former judges and prosecutors unless certain permission has been given; defining 14 certain terms; and generally relating to the public disclosure of personal information 15 about judges and prosecutors and their immediate family members.

16 BY adding to

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17 Article – Courts and Judicial Proceedings

Section 3–2201 and 3–2202 to be under the new subtitle "Subtitle 22. Court Officials

Protected Information"

20 Annotated Code of Maryland

21 (2020 Replacement Volume)

22 BY adding to

Article – General Provisions

24 Section 4–357

25 Annotated Code of Maryland

26 (2019 Replacement Volume and 2020 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

28 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article - Courts and Judicial Proceedings** 2 SUBTITLE 22. COURT OFFICIALS - PROTECTED INFORMATION. 3 3-2201. 4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS 5 INDICATED. 6 (B) "COURT OFFICIAL" MEANS: **(1)** 7 A CURRENT OR FORMER STATE OR FEDERAL JUDGE; OR **(2)** A CURRENT OR FORMER STATE OR FEDERAL PROSECUTOR. 8 (C) "IMMEDIATE FAMILY MEMBER" MEANS A PARENT, SPOUSE, OR CHILD. 9 "PERSONAL INFORMATION" MEANS A HOME ADDRESS OR TELEPHONE 10 (D) 11 NUMBER. 3-2202. 12 13 (A) (1) A COURT OFFICIAL OR THE IMMEDIATE FAMILY MEMBER OF A 14 COURT OFFICIAL WHOSE PERSONAL INFORMATION IS DISCLOSED ON THE INTERNET, OR OTHERWISE MADE PUBLICLY AVAILABLE THROUGH OTHER MEANS OF 15 PUBLICATION OR POSTING, MAY REQUEST IN WRITING THAT THE PERSON WHO 16 MADE THE DISCLOSURE REMOVE THE PERSONAL INFORMATION AND REFRAIN FROM 17 ANY FUTURE DISCLOSURE OF PERSONAL INFORMATION ABOUT THE COURT 18 19 OFFICIAL OR AN IMMEDIATE FAMILY MEMBER OF THE COURT OFFICIAL. 20 A REQUEST UNDER THIS SUBSECTION MAY BE MADE ON BEHALF 21OF A MINOR BY A PARENT OR GUARDIAN OF THE MINOR. 22ON RECEIPT OF A WRITTEN REQUEST UNDER SUBSECTION (A) OF THIS 23SECTION, THE PERSON WHO MADE THE DISCLOSURE: 24**(1)** SHALL REMOVE THE PERSONAL INFORMATION WITHIN 72 25 **HOURS; AND**

26 (2) MAY NOT SUBSEQUENTLY DISCLOSE PERSONAL INFORMATION 27 ABOUT THE COURT OFFICIAL OR AN IMMEDIATE FAMILY MEMBER OF THE COURT

28 **OFFICIAL.**

- 1 (C) (1) A COURT OFFICIAL OR AN IMMEDIATE FAMILY MEMBER OF A COURT OFFICIAL MAY BRING AN ACTION FOR AN INJUNCTION AGAINST A PERSON 3 WHO VIOLATES THIS SECTION.
- 4 (2) A COURT OFFICIAL OR AN IMMEDIATE FAMILY MEMBER OF A COURT OFFICIAL WHO IS INJURED BY A VIOLATION OF THIS SECTION MAY BRING AN ACTION FOR DAMAGES AGAINST THE PERSON WHO COMMITTED THE VIOLATION.

7 Article - General Provisions

8 **4-357.**

- 9 UNLESS THE INDIVIDUAL ABOUT WHOM A PUBLIC RECORD PERTAINS GIVES 10 PERMISSION FOR THE INSPECTION, A CUSTODIAN SHALL DENY INSPECTION OF THE 11 PART OF A PUBLIC RECORD THAT CONTAINS THE HOME ADDRESS OR TELEPHONE 12 NUMBER OF:
- 13 (1) A CURRENT OR FORMER STATE OR FEDERAL JUDGE; OR
- 14 (2) A CURRENT OR FORMER STATE OR FEDERAL PROSECUTOR.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 16 October 1, 2021.