



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2023 Session
HB0134

Clerks of the Courts - Case Management System - Information

Bill Summary

This bill requires the clerk of a court, including a clerk of the District Court, when providing case information for the case management system of the relevant court, to include the name of the judge or magistrate who (1) after a hearing is held, presided over the hearing or (2) took judicial action, including granting a motion, issuing a summons or warrant, or entering a judgment. The Administrative Office of the Courts must include this information when publishing case information for the Maryland Judiciary Case Search. The bill has prospective application and only affects information for an active case entered into case search after the bill's October 1, 2023 effective date.

Racial Equity Impact Statement

The bill's provisions would facilitate research into sentencing patterns and other judicial actions by individual judges. While there is no data available to estimate the potential equity impacts resulting from the bill if it is implemented, data-driven research of judicial activity in general can provide insights into criminal justice policymaking.

Analysis

The bill would require a presiding judge's name to be part of each individual court record, which can be publicly accessed via the online Maryland Judiciary Case Search system. This database provides access to general case information for the Circuit Courts, District Courts, and Appellate Courts of Maryland, and is managed by the Administrative Office of the Courts (AOC). Currently, judges are identified only by code in AOC records.

In 2018, the Abell Foundation filed a lawsuit against AOC seeking to acquire the list or key of judges and/or commissioners with their assigned codes. The case went to the Court of Appeals (recently renamed the Supreme Court of Maryland) which affirmed the ruling of the District Court that the materials sought by the Abell Foundation were public records under the Maryland Public Information Act. By providing the names of the judges, the provisions of the bill would negate the need for a code list.

By way of comparison, Delaware and Pennsylvania do not prohibit information regarding the name of the judge or magistrate from being included in a case record, nor is it specifically required.

Conclusion

From an equity perspective, courts are a critical decision point in the criminal justice system. Attempts to understand disparities such as the significant overrepresentation of Blacks or African Americans in the criminal justice system rely, at least in part, on data regarding judicial outcomes.

While the bill's impact on specific demographic groups cannot be determined, its provisions could help facilitate data-driven public safety research and potentially impact criminal justice policy decision-making in general.

Information Sources: Department of Public Safety and Correctional Services; Department of Legislative Services

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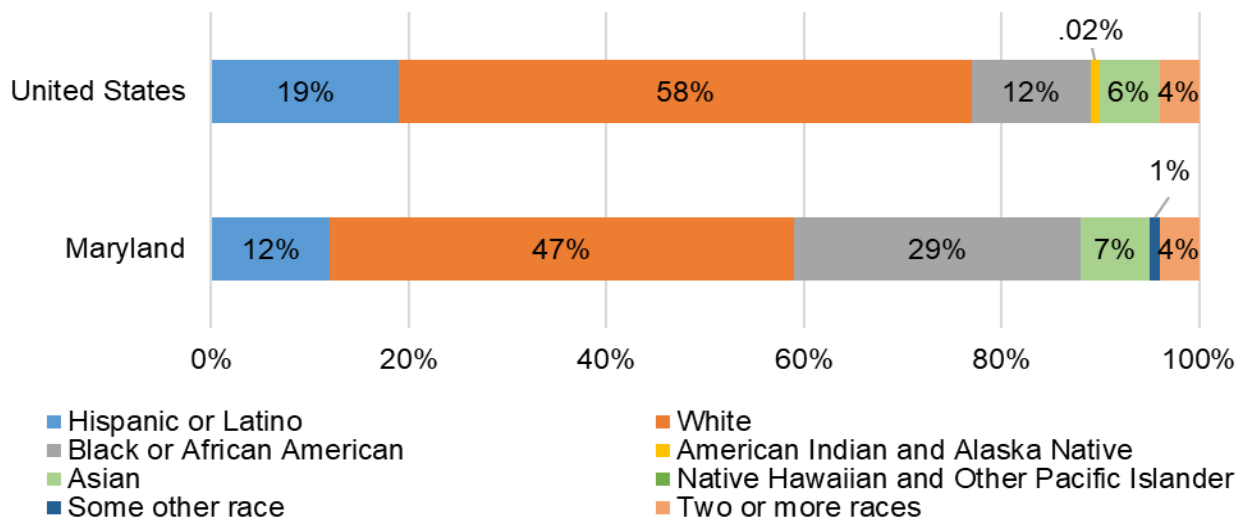
Appendix – Maryland Demographics

Race and Ethnicity of the Maryland Population

Maryland’s 2020 census population is 6,177,244, a 7% increase from the 2010 census count and approximately 2% higher than the 2019 census population estimates. In addition to an increase in population, Maryland’s racial demographics have become more diverse. Maryland is now a state in which racial minorities make up a majority of its total population. Notable changes relevant to this shift are the increase in groups who identify as “other” and “multiracial” (*i.e.*, two or more racial identities), which total 5% of the State’s population. Additionally, the change in demographics is due to the decrease in the number of individuals who only report “white” as their racial group. Despite this decrease, non-Hispanic whites remain the largest single race demographic group in the State of Maryland comprising 47% of the State’s population.

Compared to the U.S. population overall, Maryland’s population of individuals who identify as a single race is more diverse. Maryland is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). As shown in **Exhibit 1**, in Maryland, 47% identify as white alone compared to 58% of the national population. Similarly, 51% of the population identify as non-white or multi-racial compared to 38% of the national population. In both the State and national population, the largest shares of the non-white population are individuals who are Black or African American, with 29% of the State population identifying only as Black or African American and another 2.5% identifying as Black in combination with some other race. Maryland’s Asian population is 7%, which is slightly higher than the Asian share of the national population of 6%. The State’s overall population by ethnicity, however, is slightly less diverse than the U.S. population; 12% of the State’s population identified as Hispanic or Latino compared to 19% of the U.S. population.

Exhibit 1
U.S. and Maryland Population by Race and Ethnicity
2020



Source: U.S. Census Bureau, 2020 Census Redistricting Data (Public Law 94-171), Table ID P2, HISPANIC OR LATINO, AND NOT HISPANIC OR LATINO BY RACE.