

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 905
Public Safety – Extreme Risk Protective Orders – Review of Court
Records
DATE: February 15, 2024
(2/27)

COMMENT PAPER

The Judiciary respects the separation of powers doctrine and acknowledges that the legislature is the policy-making branch. As such, the Judiciary has no position on the policy aims of this legislation and defers to the legislative branch on such matters.

The Judiciary only writes for clarification. Current law, Public Safety section 5-602(a)(2) provides that “a petition for an extreme risk protective order may include, to the extent disclosure is not otherwise prohibited, health records or other health information regarding the respondent.” It is unclear whether health related information or records, as it pertains to the release for academic or policy research, should be redacted.

cc. Hon. Ariana Kelly
Judicial Council
Legislative Committee
Kelley O’Connor