

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 36
Maryland Deaths in Custody Oversight Board
DATE: February 1, 2024
(2/7)

COMMENT PAPER

The Judiciary has no position on this legislation, but requests that the bill be amended to remove lines 15 – 16, on page 6, which requires the Board to submit any findings and recommendations to “any judge presiding over a case related to the incarceration of the deceased individual.” Having a third party send a presiding judge a report would violate the prohibition against ex parte communications. Additionally, the report may contain information inappropriate for the presiding judge to consider, depending on the nature of the case over which the judge is presiding. Moreover, the parties themselves may object to the presiding judge receiving such information. As such, the Judiciary requests that this provision be removed.

cc. Hon. Joanne Benson
Judicial Council
Legislative Committee
Kelley O’Connor