

Department of Legislative Services  
Maryland General Assembly  
2024 Session

FISCAL AND POLICY NOTE  
Enrolled - Revised

Senate Bill 111

(Senator Sydnor)

Judicial Proceedings

Judiciary

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**Criminal Procedure - Protection of Identity of Minor Victim**

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This bill prohibits the court or a party in a criminal or juvenile delinquency case, on notice that an electronic or paper filing includes “identifying information” of a minor victim, from disclosing or allowing inspection of any such filing (including a charging document) to a nonparty unless the court or the party disclosing or allowing inspection of the filing redacts all identifying information within the filing or the court finds by clear and convincing evidence that there is good cause to order otherwise. “Identifying information” means the name of, and any other information that could reasonably be expected to identify, a minor victim.

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**Fiscal Summary**

**State Effect:** Minimal general fund expenditure increase and operational impact for the Judiciary, as discussed below. Revenues are not affected.

**Local Effect:** The bill may have an operational impact on the circuit courts, as discussed below. Local revenues are not affected.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** On motion of the State or on request of a victim or witness, during a criminal trial or a juvenile delinquency adjudicatory hearing, a court may prohibit the release of the address or telephone number of the victim or witness unless the court determines that good cause is shown for the release of the information.

In general, police and court records concerning children are confidential, and their contents may not be divulged, by subpoena or otherwise, except by a court order upon a showing of good cause or in limited circumstances specified in statute. However, in 2000, the Attorney General noted in a published opinion that this confidentiality provision applies only to police records concerning a matter that could bring the child within the jurisdiction of the juvenile court, and therefore, does not ordinarily prohibit disclosure of a police record in which a child is simply identified as a victim or witness. 85 Md. Op. Att’y Gen. 249 (September 1, 2000).

**State Expenditures:** According to the Judiciary, the bill’s requirements have a significant operational and potential fiscal impact. Specifically, the Judiciary states that although the bill’s provision regarding notice will facilitate notice to the court on which *new* documents necessitate redaction of identifying information, redaction is still required for any public case. The Judiciary further advises that because it operates a number of public kiosks in each courthouse for viewing public court documents that have been made available, it must preemptively redact all impacted documents and cannot wait to do so until a specific case file has been requested. The Judiciary anticipates the need for significant clerical time and resources for court staff (in the District and circuit courts) to implement the bill.

The Department of Legislative Services (DLS) generally acknowledges that the bill results in an operational impact and increases expenditures for the Judiciary due to the additional work created for court clerks; however, DLS advises that the fiscal impact is likely minimal. For purposes of this analysis, because the required redaction of identifying information prior to authorizing specified disclosure/inspection appears to be triggered only after *notice* that filings contain such information, it is assumed that identifying information within *existing* records that are available under current standards does not have to be redacted (which would necessitate significant time and resources) *unless* the Judiciary receives specific supplemental notice regarding the content of a particular document. It is also assumed that the Judiciary can incorporate procedures applicable to all filings after the bill’s effective date to effectuate notice of potential identifying information within a new filing. The Judiciary can likely implement additional procedures and requirements regarding the notice and new case filings to further mitigate the operational and fiscal impact (*e.g.*, requiring filers in applicable cases to provide a redacted and unredacted copy of any documents).

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has been introduced within the last three years. See HB 1032 of 2023.

**Designated Cross File:** HB 458 (Delegate Phillips, *et al.*) - Judiciary.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State’s Attorneys’ Association; Department of Juvenile Services; Department of Natural Resources; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - January 15, 2024  
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