

HOUSE BILL 733

D3

8lr1782

By: **Delegate Anderson**

Introduced and read first time: February 1, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Civil Court Records – Shielding**

3 FOR the purpose of requiring a clerk of the court to shield civil court records from public
4 inspection a certain period of time after a certain judgment has been satisfied or a
5 certain period of time after the conclusion of the civil proceeding; authorizing certain
6 people to access a shielded civil court record under certain circumstances; requiring
7 a custodian to deny inspection of civil court records that have been shielded; defining
8 certain terms; making stylistic changes; and generally relating to shielding court
9 records.

10 BY repealing and reenacting, with amendments,
11 Article – Courts and Judicial Proceedings
12 Section 2–201
13 Annotated Code of Maryland
14 (2013 Replacement Volume and 2017 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – General Provisions
17 Section 4–327
18 Annotated Code of Maryland
19 (2014 Volume and 2017 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
21 That the Laws of Maryland read as follows:

22 **Article – Courts and Judicial Proceedings**

23 2–201.

24 (a) The clerk of a court shall:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) Have custody of the books, records, and papers of [his] **THE CLERK'S**
2 office;

3 (2) Make proper legible entries of all proceedings of the court and keep
4 them in well-bound books or other permanent form;

5 (3) When requested in writing to do so, record any paper filed with [his]
6 **THE CLERK'S** office and required by law to be recorded in the appropriate place, whether
7 or not the title to land is involved;

8 (4) Unless prohibited by law or order of court **AND EXCEPT WHEN A**
9 **RECORD IS SHIELDED UNDER SUBSECTION (C) OF THIS SECTION**, provide copies of
10 records or papers in [his] **THE CLERK'S** custody to a person requesting a copy, under the
11 seal of the court if required;

12 (5) Issue all writs which may legally be issued from the court;

13 (6) Deliver a full statement of the costs of a suit to a party requesting a
14 copy;

15 (7) Receive all books, documents, public letters, and packages sent to [him]
16 **THE CLERK** pursuant to law, and carefully dispose of them as the law requires;

17 (8) Administer an oath;

18 (9) Replace worn books and records with new ones;

19 (10) In conjunction with the Motor Vehicle Administrator, establish uniform
20 procedures for reporting both traffic cases and criminal cases involving a motor vehicle in
21 the circuit court to the Motor Vehicle Administration; and

22 (11) Perform any other duty required by law or rule.

23 (b) Unless otherwise provided by law, a clerk is not required to record any paper
24 filed with [him] **THE CLERK** or to provide any person with a copy of a paper until the
25 applicable charge has been paid.

26 (c) (1) (i) **IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE**
27 **MEANINGS INDICATED.**

28 (ii) 1. **“CIVIL COURT RECORD” MEANS AN OFFICIAL RECORD**
29 **OF A COURT ABOUT A CIVIL PROCEEDING THAT THE CLERK OF A COURT OR OTHER**
30 **COURT PERSONNEL KEEPS.**

31 2. **“CIVIL COURT RECORD” INCLUDES:**

1 A. AN INDEX, A DOCKET ENTRY, A PETITION, A
2 MEMORANDUM, A TRANSCRIPTION OF PROCEEDINGS, AN ELECTRONIC RECORDING,
3 AN ORDER, AND A JUDGMENT; AND

4 B. ANY ELECTRONIC INFORMATION ABOUT A
5 PROCEEDING ON THE WEBSITE MAINTAINED BY THE MARYLAND JUDICIARY.

6 (III) "SHIELD" MEANS:

7 1. WITH RESPECT TO A COURT RECORD KEPT IN A
8 COURTHOUSE, REMOVING THE RECORD TO A SEPARATE SECURE AREA TO WHICH
9 PERSONS WHO DO NOT HAVE A LEGITIMATE REASON FOR ACCESS ARE DENIED; AND

10 2. WITH RESPECT TO ELECTRONIC INFORMATION
11 ABOUT A PROCEEDING ON THE WEBSITE MAINTAINED BY THE MARYLAND
12 JUDICIARY, COMPLETELY REMOVING ALL INFORMATION CONCERNING THE
13 PROCEEDING FROM THE PUBLIC WEBSITE, INCLUDING THE NAMES OF THE PARTIES,
14 CASE NUMBERS, AND ANY REFERENCE TO THE PROCEEDING OR ANY REFERENCE TO
15 THE REMOVAL OF THE PROCEEDING FROM THE PUBLIC WEBSITE.

16 (2) THE CLERK OF A COURT SHALL SHIELD A CIVIL COURT RECORD
17 FROM PUBLIC INSPECTION:

18 (I) 1 YEAR AFTER THE JUDGMENT ENTERED IN THE CIVIL
19 PROCEEDING THAT IS THE SUBJECT OF THE CIVIL COURT RECORD HAS BEEN
20 SATISFIED; OR

21 (II) IF THE JUDGMENT HAS NOT BEEN SATISFIED, 7 YEARS
22 AFTER THE CONCLUSION OF THE CIVIL PROCEEDING THAT IS THE SUBJECT OF THE
23 CIVIL COURT RECORD.

24 (3) THIS SUBSECTION DOES NOT PRECLUDE THE FOLLOWING
25 PERSONS FROM ACCESSING A SHIELDED CIVIL COURT RECORD FOR A LEGITIMATE
26 REASON:

27 (I) CRIMINAL JUSTICE UNITS; OR

28 (II) THE PERSON WHO IS THE SUBJECT OF THE SHIELDED CIVIL
29 COURT RECORD OR THAT PERSON'S ATTORNEY.

30 Article – General Provisions

1 (a) Except as provided in subsection (b) of this section, a custodian shall deny
2 inspection of [criminal records and police] records [relating to the conviction of a crime]
3 that have been shielded under **§ 2-201(C) OF THE COURTS ARTICLE OR** Title 10, Subtitle
4 3 of the Criminal Procedure Article.

5 (b) A custodian shall allow inspection of shielded records by a person authorized
6 to access shielded records under **§ 2-201(C)(3) OF THE COURTS ARTICLE OR § 10-302(b)**
7 of the Criminal Law Article.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2018.