

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1314
Judiciary

(Delegate R. Watson)

**Criminal Procedure - Victims and Witnesses - Restrictions on Release of
Personal Information**

This bill authorizes the victim of or witness to a crime or a delinquent act, or a victim's representative, to request the withholding of the address or telephone number of the victim, victim's representative, or witness before the trial or adjudicatory hearing in a juvenile delinquency proceeding. The bill expands the process under § 11-205 of the Criminal Procedure Article; currently, these requests are made only in situations involving a felony or a delinquent act that would be a felony if committed by adult.

Fiscal Summary

State Effect: The bill can be implemented with existing budgeted resources.

Local Effect: The bill can be implemented with existing budgeted resources.

Small Business Effect: None.

Analysis

Current Law: On request of the State, a victim of or witness to a felony or delinquent act that would be a felony if committed by an adult, or a victim's representative, a judge, State's Attorney, District Court commissioner, intake officer, or law enforcement officer may withhold the address or telephone number of the victim, victim's representative, or witness before the trial or adjudicatory hearing in a juvenile delinquency proceeding, unless a judge determines that good cause has been shown for the release of the information.

Background: The Judiciary authorizes the shielding of address and telephone number information for victims, victims' representatives, and witnesses under Maryland Rule 16-910 and Maryland Rule 16-912(g) with the filing of a Confidential Supplement (CC-DC-001S) or a Request to Shield My Address/Telephone Number in a Criminal Case Record (CC-DC-052). These forms allow a victim, victim's representative, or a witness to request the shielding of an address or a telephone number from public inspection for the protection of the victim, representative, or the witness in a criminal case filed in the District Court or circuit courts.

State Fiscal Effect: The Judiciary advises that the bill impacts its ability to send automatically generated notices of trial dates and postponements, since the system used to generate those notices uses information in the electronic record. Regardless, the Judiciary advises that it does not anticipate a fiscal or operational impact on the courts. This estimate assumes that whatever process is used to send notices to victims and witnesses of felonies who have requested that their telephone numbers and addresses be withheld will be used for individuals who make such requests under the bill.

Additional Information

Prior Introductions: None.

Cross File: SB 942 (Senator Lee) - Judicial Proceedings.

Information Source(s): Charles, Frederick, and Montgomery counties; Maryland Association of Counties; cities of Bowie and Havre de Grace; Governor's Office of Crime Control and Prevention; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Juvenile Services; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - March 8, 2019
mm/kdm

Analysis by: Amy A. Devadas

Direct Inquiries to:
(410) 946-5510
(301) 970-5510