

HOUSE BILL 458

E2
HB 1032/23 – JUD

4lr1343
CF SB 111

By: **Delegates Phillips, Arikan, Cardin, Grammer, Kaufman, McCaskill, Pasteur, Simmons, Simpson, Taylor, White Holland, ~~and Young~~ Young, Conaway, and Williams**

Introduced and read first time: January 22, 2024
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 7, 2024

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Protection of Identity of Minor Victim**

3 FOR the purpose of ~~requiring, with a certain exception, a party or nonparty making a~~
4 ~~certain filing in a criminal or juvenile delinquency case to redact certain identifying~~
5 ~~information relating to a minor victim that appears in the filing; authorizing the~~
6 ~~Supreme Court of Maryland to adopt rules requiring or authorizing a person making~~
7 ~~a redacted filing under this Act to also file an unredacted copy under seal~~ providing
8 that a court or a party in a criminal or juvenile delinquency case may not disclose or
9 allow inspection of a certain court filing to a nonparty unless the court or the party
10 redacts certain identifying information relating to a minor victim that appears in the
11 filing, subject to a certain exception; and generally relating to protection of victims.

12 BY repealing and reenacting, with amendments,
13 Article – Criminal Procedure
14 Section 11–301
15 Annotated Code of Maryland
16 (2018 Replacement Volume and 2023 Supplement)

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

19 **Article – Criminal Procedure**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 11-301.

2 (A) On motion of the State or on request of a victim or witness, during a criminal
3 trial or a juvenile delinquency adjudicatory hearing, a court may prohibit the release of the
4 address or telephone number of the victim or witness unless the court determines that good
5 cause is shown for the release of the information.

6 (B) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE
7 MEANINGS INDICATED.

8 (II) "IDENTIFYING INFORMATION" MEANS THE NAME OF, AND
9 ANY OTHER INFORMATION THAT COULD REASONABLY BE EXPECTED TO IDENTIFY, A
10 MINOR VICTIM.

11 (III) "MINOR VICTIM" MEANS A VICTIM OF A CRIME OR
12 DELINQUENT ACT WHO WAS A MINOR AT THE TIME THAT THE CRIME OR DELINQUENT
13 ACT OCCURRED.

14 (2) NOTWITHSTANDING ANY OTHER LAW, ON NOTICE THAT AN
15 ELECTRONIC OR PAPER FILING INCLUDES IDENTIFYING INFORMATION OF A MINOR
16 VICTIM, UNLESS THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT
17 THERE IS GOOD CAUSE TO ORDER OTHERWISE, A PARTY OR NONPARTY MAKING AN
18 ELECTRONIC OR PAPER COURT FILING, INCLUDING THE FILING OF A CHARGING
19 DOCUMENT, IN A CRIMINAL OR JUVENILE DELINQUENCY CASE SHALL REDACT ANY
20 IDENTIFYING INFORMATION THAT APPEARS IN THE FILING. THE COURT OR A PARTY
21 IN A CRIMINAL OR JUVENILE DELINQUENCY CASE MAY NOT DISCLOSE OR ALLOW
22 INSPECTION OF AN ELECTRONIC OR PAPER COURT FILING, INCLUDING A CHARGING
23 DOCUMENT, TO A NONPARTY TO THE CRIMINAL OR JUVENILE DELINQUENCY CASE
24 UNLESS THE COURT OR THE PARTY DISCLOSING OR ALLOWING INSPECTION OF THE
25 FILING REDACTS ALL IDENTIFYING INFORMATION THAT APPEARS IN THE FILING.

26 ~~(3) THE SUPREME COURT OF MARYLAND MAY ADOPT RULES~~
27 ~~REQUIRING OR AUTHORIZING A PERSON MAKING A REDACTED FILING UNDER~~
28 ~~PARAGRAPH (2) OF THIS SUBSECTION TO ALSO FILE AN UNREDACTED COPY UNDER~~
29 ~~SEAL.~~

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2024.