

Department of Legislative Services  
Maryland General Assembly  
2024 Session

FISCAL AND POLICY NOTE  
Third Reader - 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 from disclosing or allowing inspection of an electronic or paper court 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:** Potential significant operational impact and general fund expenditure increase 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. The Judiciary advises that it operates a number of public kiosks in each courthouse for viewing public court documents that have been made available. While access to juvenile cases is significantly more limited, filings in other cases that may be subject to the bill’s requirements are authorized for disclosure/inspection under current standards. The Judiciary indicates that it does not have the technology to locate the information within these documents that is prohibited from disclosure/inspection under the bill. Accordingly, although a precise fiscal impact is unknown, it is anticipated that the bill likely necessitates significant clerical time and resources for court staff (in the District and circuit courts) to manually search for and redact information within existing court filings pertaining to minor victims that would otherwise be available for public access. This analysis assumes that any potential significant impact, however, is likely limited to the initial years of implementation as the Judiciary redacts information as necessary from existing records, and that the Judiciary can otherwise implement procedures pertaining to future filings that safeguard identifying information from nonparties without significantly affecting State finances.

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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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