

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 613
Judiciary

(Delegate Guyton, *et al.*)

Criminal Procedure - Protection of Identity of Victim of Sexual Assault

This bill alters statutory provisions that prohibit, *on notice* that an electronic or paper filing includes identifying information about a *minor* victim, the court or a party in a criminal or juvenile delinquency case from disclosing or allowing the inspection of filings unless certain conditions are met. The bill (1) extends applicability to include a “victim of sexual assault” and (2) repeals the existing restriction that limits applicability to instances in which the court has notice that an electronic or paper filing includes identifying information. On written request of a victim of sexual assault, the court must redact identifying information relating to the victim from an existing file; the Supreme Court of Maryland must, by rule, adopt procedures to implement this provision. “Victim of sexual assault” means an alleged victim of a crime as specified by Title 3, Subtitle 3 (Sexual Crimes) or Subtitle 11 (Human and Marriage Trafficking) of the Criminal Law Article.

Fiscal Summary

State Effect: General fund expenditures for the Judiciary increase *by at least* \$12,400 in FY 26 for one-time programming costs. Further 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.

Analysis

Current Law: Section 11-301 of the Criminal Procedure Article provides certain protections from the release of an address or phone number of a victim or witness in a criminal proceeding. Generally, 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.

Chapters 877 and 878 of 2024 expanded upon the protections within § 11-301 by prohibiting 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. (The bill repeals the reference to minor.)

“Minor victim” means a victim of a crime or delinquent act who was a minor at the time that the crime or delinquent act occurred. (The bill specifies that the definition includes an alleged victim.)

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. Although the bill is altering procedures developed in accordance with the aforementioned Acts, the Judiciary notes that its current practice relies upon receiving notice to trigger required redaction actions, as it does not otherwise have the technology to determine all of the filings that may potentially be impacted by the prohibition. Currently, after receiving notice, court clerks manually review the impacted file and redact the minor victim’s information in each affected document/filing, including any accompanying audio files and/or transcripts. While the bill’s provisions allow a victim of sexual assault to provide notice to the courts, thus triggering the redaction procedures, the bill does not contain a similar notice provision for alleged minor victims. As a result, the Judiciary’s current practice does not align with the requirements of 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 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.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Baltimore and Montgomery counties; Judiciary (Administrative Office of the Courts); Maryland State's Attorneys' Association; Department of Juvenile Services; Department of Legislative Services

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