



ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

March 11, 2020

Senate Bill 664

Declaration of Rights – Right to Privacy

Senate Judicial Proceedings Committee

Position: OPPOSE

The Maryland Catholic Conference represents the mutual public-policy interests of the three (arch)dioceses serving Maryland, including the Archdiocese of Baltimore, the Archdiocese of Washington, and the Diocese of Wilmington. We offer this testimony in opposition to Senate Bill 664.

SB 664 would enshrine in our State Constitution a broad “right to privacy.” Although the MCC has been assured by the Sponsor of this legislation that the sole intent of this constitutional amendment is to provide for privacy in the area of unauthorized collection of data, we are very concerned that the constitutional amendment as written would go far beyond privacy in regards to data collection and would instead be interpreted to enshrine a right to abortion in our State Constitution.

Both case law (*Roe v. Wade*) and the privacy rights outlined in other state constitutions give rise to our concern with Senate Bill 664. In *Roe v. Wade* the United States Supreme Court relied on precedent in *Griswold v. Connecticut (1965)* that a broad “right to privacy” could be crafted from “penumbras, formed by emanations.” The court then extended that right to privacy to include the right to abortion and overrode state definitions of human life in the process. In States, such as Florida, the broad privacy rights in their state constitution have been used to strike down several laws restricting abortions.

If the true intent of SB 664 is to create a right to privacy regarding the unauthorized collection of data then we would respectfully offer the following amendments, any of which, that would alleviate our concerns:

Amendment 1 - On page one, line 22, strike "." On page one, lines 23-4, strike "(B) THE RIGHT TO PRIVACY INCLUDES THE RIGHT OF AN INDIVIDUAL TO LIVE FREE FROM INTRUSION"

21 (A) THAT EACH INDIVIDUAL HAS A NATURAL, ESSENTIAL, AND INHERENT
22 RIGHT TO PRIVACY THAT GUARANTEES FREEDOM FROM GOVERNMENT INTRUSION.
23 ~~(B) THE RIGHT TO PRIVACY INCLUDES THE RIGHT OF AN INDIVIDUAL TO~~
24 ~~LIVE FREE FROM INTRUSION~~ CAUSED BY OR DIRECTLY TRACEABLE TO THE
1 UNAUTHORIZED COLLECTION OF DATA CONCERNING THE INDIVIDUAL BY ANOTHER.

Alternate Amendment 1 - On page one, lines 22-23, strike "PRIVACY THAT GUARANTEES FREEDOM FROM GOVERNMENT INTRUSION. (B) THE RIGHT TO PRIVACY INCLUDES THE RIGHT OF AN INDIVIDUAL TO"

21 (A) THAT EACH INDIVIDUAL HAS A NATURAL, ESSENTIAL, AND INHERENT
22 RIGHT TO ~~PRIVACY THAT GUARANTEES FREEDOM FROM GOVERNMENT INTRUSION.~~
23 ~~(B) THE RIGHT TO PRIVACY INCLUDES THE RIGHT OF AN INDIVIDUAL TO~~
24 LIVE FREE FROM INTRUSION CAUSED BY OR DIRECTLY TRACEABLE TO THE
1 UNAUTHORIZED COLLECTION OF DATA CONCERNING THE INDIVIDUAL BY ANOTHER.

Amendment 2 - On page one strike lines 21-22

~~21 (A) THAT EACH INDIVIDUAL HAS A NATURAL, ESSENTIAL, AND INHERENT
22 RIGHT TO PRIVACY THAT GUARANTEES FREEDOM FROM GOVERNMENT INTRUSION.~~

For these reasons we respectfully ask for an unfavorable report on Senate Bill 664.