



Maryland | Delaware | DC Press Association

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To: Judicial Proceedings Committee

From: Rebecca Snyder, Executive Director, MDDC Press Association

Date: March 5, 2020

Re: **SB 900 – OPPOSE**

The Maryland-Delaware-District of Columbia Press Association represents a diverse membership of news media organizations, from large metro dailies like the Washington Post and the Baltimore Sun, to hometown newspapers such as The Frederick News Post and the Hagerstown Herald Mail to publications such as The Daily Record, the Oakland Republican, and online-only publications such as Maryland Matters and Bethesda Beat.

The Press Association is concerned about the overly broad language in SB 900, which would constitute prior restraint* on news media outlets who wish to report on gubernatorial pardons or expunged records covered in the subtitle. On page 2, lines 18-20, the bill reads **“A PRIVATE ENTITY MAY NOT DISCLOSE INFORMATION RELATING TO A CONVICTION THAT THE GOVERNOR PARDONED OR RECORDS THAT HAVE BEEN EXPUNGED UNDER THIS SUBTITLE.”** We believe this would restrict the ability of news media to report on a wide range of newsworthy items. We would prefer that those lines be struck from the bill, or that the news media be carved out, with the following language inserted into line 18 so that the line reads **“A PRIVATE ENTITY, EXCLUDING NEWS MEDIA, MAY NOT DISCLOSE INFORMATION RELATING TO A...”**

The Press Association urges the committee to issue an unfavorable report unless the scope of page 2, lines 18 – 20 are struck or narrowed to avoid prior restraint.

* “In First Amendment law, prior restraint refers to speech or other action prohibited by a government entity before the speech happens” and is typically held in disfavor by courts unless there is an overwhelming national security risk. (https://www.law.cornell.edu/wex/prior_restraint).

FACTS

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central to a strong and open society.**

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