

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Joseph M. Getty
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Finance Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 11
Maryland Online Consumer Protection and Child Safety Act
DATE: January 26, 2022
(1/26)
POSITION: Oppose as drafted

The Maryland Judiciary opposes Senate Bill 11 as drafted. This bill creates new provisions regulating the use and collection of consumer's personal information.

The Judiciary has no position on the intent and majority of this legislation. The Judiciary is concerned only with the particular language on page 18, §14-4414 which provides "IF A SERIES OF STEPS OR TRANSACTIONS IS ENGAGED WHERE COMPONENT PARTS OF A SINGLE TRANSACTION ARE TAKEN WITH THE INTENT OF AVOIDING THE REQUIREMENTS OF THIS SUBTITLE, A COURT SHALL DISREGARD THE INTERMEDIATE STEPS OR TRANSACTIONS FOR PURPOSES OF CARRYING OUT THIS SUBTITLE." This language is confusing and the court is not sure what this language actually provides. The Judiciary would need clarification on this language to ensure the bill is implemented correctly if the bill were to pass.

cc. Hon. Susan Lee
Judicial Council
Legislative Committee
Kelley O'Connor