



Working to end sexual violence in Maryland

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Testimony Supporting House Bill 1032
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The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judicial Proceedings Committee to report favorably on House Bill 1032.

House Bill 1032 – Protection of Identity of Minor Victim

This bill would require that identifying information regarding a minor victim be redacted in a charging document or other filings in a criminal or juvenile delinquency case. Information necessary for the case could be filed under seal. Additionally, the bill proposes permitting identification of the minor if there is clear and convincing evidence of good cause to order otherwise.

MCASA strongly supports HB1032 as an important tool for protecting the privacy of children and teens who are victims of sex crimes. If anything, HB1032 does not go far enough and the Committee may wish to include protection for other minors, such as witnesses. Privacy is extremely important to the majority of sex crimes survivors. The rise of electronic filing and easily accessible court documents makes it all too easy for others to learn the identity of survivors. For children (and others) this can lead to embarrassment, taunting, discrimination, and emotional harm. Disclosure of a child victim's identity could also discourage survivors and families from coming forward to prosecute sex offenders. State statute, Crim. Law 3-317, specifically requires that indictments include the name of the survivor in sex crimes cases, so legislation is needed to address this.

Federal law provides significant protections for child survivors.

Privacy protections are for a "child" in the following situations: (2) the term "[child](#)" means a person who is under the age of 18, who is or is alleged to be—

- (A) a victim of a crime of physical abuse, [sexual abuse](#), or [exploitation](#); or
- (B) a witness to a crime committed against another person; 18 USC §3509(a)(2).

Some of the privacy provision in this section include:

18 U.S. Code § 3509(d)(2) Filing under seal.—All papers to be filed in court that disclose the name of or any other information concerning a child shall be filed under seal without necessity of obtaining a court order. The person who makes the filing shall submit to the clerk of the court—

(A) the complete paper to be kept under seal; and
(B) the paper with the portions of it that disclose the name of or other information concerning a child redacted, to be placed in the public record.

(3) Protective orders.—

(A) On motion by any person the court may issue an order protecting a child from public disclosure of the name of or any other information concerning the child in the course of the proceedings, if the court determines that there is a significant possibility that such disclosure would be detrimental to the child.

(B) A protective order issued under subparagraph (A) may—

(i) provide that the testimony of a child witness, and the testimony of any other witness, when the attorney who calls the witness has reason to anticipate that the name of or any other information concerning a child may be divulged in the testimony, be taken in a closed courtroom; and

(ii) provide for any other measures that may be necessary to protect the privacy of the child.

MCASA commends this language to the Committee for possible amendments to HB1032 or for future legislation. **As written, however, HB1032 is an important and welcome step towards greater protection for child survivors.**

**The Maryland Coalition Against Sexual Assault urges the
Judicial Proceedings Committee to
report favorably on House Bill 1032**