

# **Name of child - testimony - house in senate - 2023**

Uploaded by: Lisae C Jordan

Position: FAV



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**Working to end sexual violence in Maryland**

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**Testimony Supporting House Bill 1032**  
**Lisae C. Jordan, Executive Director & Counsel**  
March 30, 2023

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**

# **HB 1032 Criminal Procedure - Protection of Identit**

Uploaded by: Scott Shellenberger

Position: FAV

**Bill Number: HB 1032**  
**Scott D. Shellenberger, State's Attorney for Baltimore County**  
**Support**

**WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,**  
**STATE'S ATTORNEY FOR BALTIMORE COUNTY,**  
**IN SUPPORT OF HOUSE BILL 1032**  
**CRIMINAL PROCEDURE – PROTECTION OF IDENTITY OF MINOR VICTIM**

I write in support of House Bill 1032 that will automatically shield the name and identifying information of minor victims.

Now with so much court paperwork available and accessible from remote court kiosks it is more important now than ever to protect a minor victim's identity. It takes only a few clicks of a mouse to copy, paste and publicize the names of victims of crime. Redacting and shielding of names, addresses and personal information is easy to do and does not interfere with the rights of a criminal defendant.

Attached you will find the charging document in the Gilman sexual assault case. No identifying information is contained in the document. The Defendant's rights are not affected as the identity of the victim was revealed to Defense Counsel in the discovery material turned over. However, in this case since the indictment requires a victim's name, shielding is vitally important and must happen automatically.

This is a simple yet necessary protection for the minor victims of crimes.

I urge a favorable report.

**HB1032 Pedone FWA (Senate).pdf**

Uploaded by: Michael Pedone

Position: FWA

**2023 Regular Session of the Maryland General Assembly  
Testimony Before the Senate Judicial Proceedings Committee**

**House Bill 1032**

**Criminal Procedure – Protection of Identity of Minor Victim**

Witness: Michael T. Pedone

Position: **FAVORABLE WITH AMENDMENT**

I am a Maryland attorney. I am submitting this testimony on behalf of children who have been victims of crimes. These victims wish to remain anonymous.

Child victims of sex crimes, child abuse and other serious offenses face grave social and psychological consequences of being outed as victims. If others learn the intimate details of the crime, a child victim may suffer further indignities, such as embarrassment, ridicule, or blame. These risks are heightened by social media, which permits rapid and widespread sharing of gossip. These consequences can deter children from reporting crimes.

In federal court, the names of minor victims must be redacted from court filings. See Fed. R. Crim. P. 49.1(a). There is no analogous statute or rule in Maryland. To the contrary, Maryland law has been interpreted as requiring disclosure of the victim’s name in charging documents for rape and other sex offenses. See Md. Code, Crim. Law § 3-317. In other words, under current Maryland law, a child who has suffered a horrific crime like rape faces a choice: either report the crime and be publicly outed in court filings, or let their attacker go un-prosecuted.

HB 1032 would end this injustice by requiring the redaction of identifying information about minor victims in documents filed in Maryland courts, thereby aligning Maryland law with the Federal Rules of Criminal Procedure.

The Maryland Judiciary raised a concern in their testimony before the House Judiciary Committee that redacting a victim’s name from a charging document could present due process issues, i.e., that “the individual charged would not be adequately informed of the charge.” HB 1032 already proposes a mechanism to address this concern, by authorizing the Supreme Court to adopt rules “requiring or authorizing a person making a redacted filing ... to also file an unredacted copy under seal.”

However, to address the Maryland Judiciary’s concern, I would support an amendment to HB 1032 requiring unredacted charging documents to be filed under seal, such as:

**On page 2, in line 13, before “THE” insert “**A PERSON FILING A CHARGING DOCUMENT THAT IS REDACTED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL ALSO FILE AN UNREDACTED COPY OF SUCH CHARGING DOCUMENT UNDER SEAL.**”.**

On page 2, in line 14, strike the second “A” and substitute “ANY OTHER”.

For these reasons, I urge the Committee to issue a FAVORABLE report on HB 1032, with the amendment suggested above.

Respectfully submitted,  
Michael T. Pedone

**hb1032.pdf**

Uploaded by: Matthew Pipkin

Position: UNF



**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Matthew J. Fader  
Chief Justice

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** House Bill 1032  
Criminal Procedure – Protection of Identity of Minor Victim  
**DATE:** March 21, 2023  
**POSITION:** Oppose, as drafted

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The Maryland Judiciary opposes House Bill 1032, as drafted. This bill would prohibit a party or nonparty making an electronic or paper court filing (including filing of a charging document) in a criminal or juvenile delinquency case, to “redact any identifying information that appears in the filing”. This prohibition would apply “notwithstanding any other law, unless the court finds by clear and convincing evidence that there is good cause to order otherwise”. The bill also provides that the Supreme Court of Maryland may adopt rules requiring, or authorizing, a person making a redacted filing to also file an unredacted copy under seal.

First, this blanket protection is unnecessary. Maryland Rules currently provide that a State’s Attorney or a representative for a victim may request shielding of information identifying minor victims. It is not clear why this statute is needed. Moreover, shielding the information makes more sense given the due process requirement that an individual charged be on notice of the charge itself. If the State’s Attorney’s Office redacts the victim’s information entirely from the charging document, the individual charged would not be adequately informed of the charge and able to prepare a defense. This is especially true in instances with multiple charges, offenses and alleged victims.

In addition, it is not clear how this would work logistically. It would be impossible for the court to determine whether information “could reasonably be expected to identify a minor victim” without the necessary information such as a date of birth.

cc. Hon. N. Scott Phillips  
Judicial Council  
Legislative Committee  
Kelley O’Connor