

**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:** Senate Bill 27  
Criminal Procedure – Restorative Justice Program  
**DATE:** January 18, 2023  
(2/2)  
**POSITION:** Oppose

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The Maryland Judiciary opposes Senate Bill 27. Senate Bill 27 establishes, within the Victim Services Unit of the Governor's Office of Crime Prevention, Youth, and Victim Services a Restorative Justice Program, a Restorative Justice Legal Specialist position, the Restorative Justice Program Revolving Fund, and the Maryland Restorative Justice Council.

While the Judiciary appreciates the aim of the bill, the Judiciary adamantly opposes the use of MDEC to implement these policy aims. MDEC is a Judiciary-wide integrated case management system that collects, stores and processes the Judiciary's records electronically. The Judiciary has a duty to ensure that it is safely maintained without data security breaches or threats. The Restorative Justice Program proposed by the bill is within the Victim Services Unit of the Governor's Office of Crime Prevention, an executive branch agency. That agency presumably has its own data system and should not need, nor desire, to use the data system of another governmental branch. It is inappropriate for another branch of government to update information in a new tab on the Judiciary's MDEC system and raises significant data security issues. Moreover, MDEC was not designed to support these functions.

Further, there are concerns with the requirement to have a confidential file in MDEC containing the names of the assigned facilitator or organization. There is no current ability to accomplish this aim. The bill would also seemingly allow access to ALL materials in a case file to participants, which could also include unfettered access to non-public as well as confidential information. Such access is both inappropriate and may run afoul of other legal requirements to which the Judiciary is bound.

In addition, without knowing how many criminal cases in which there may be participants involved in the Restorative Justice Program, it will be an undue burden on the clerk's offices to have to provide an entire file for these facilitators. This information

should come from the State's Attorney's office and their Victim Services Unit, not the court file. The State's Attorney's office files would be more beneficial to facilitators rather than a court file. Also, the request for participation has to be forwarded to the Restorative Justice Legal Specialist within that unit. It is more efficient for the Victim Services Unit to have their own case management system to track funds and restitution payments. MDEC does not house Parole and Probation's files or Bureau of Support Enforcement's files. The State's Attorney is involved in tracking restitution payments, the MDEC system and the clerk's offices are not.

In sum, while the Judiciary takes no position on the policy aims in the bill, we respectfully request that our cases management system be removed from the bill.

cc. Hon. Chris West  
Judicial Council  
Legislative Committee  
Kelley O'Connor