

**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