

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

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