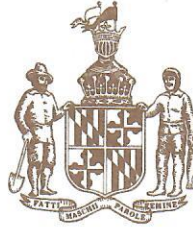


N. SCOTT PHILLIPS, ESQ.
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Judiciary Committee



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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

WRITTEN TESTIMONY

Before

HOUSE OF DELEGATE JUDICIARY COMMITTEE

MARCH 8, 2022

Every child victim or witness of crime has the right to have his or her best interests given primary consideration in the criminal courts. While there exist some protection presently under current Section 11-301 of the Maryland Annotated Code of Criminal Procedure, this bill strengthens existing law. HB 1032, titled, "Criminal Procedure - Protection of Identity of Minor Victim" protects the identity of minor victims in criminal cases or juvenile delinquency cases by allowing for the redaction of certain identifying information relating to a minor victim that appears in the filing. The court maintains the ability to release such information if good cause is shown. In addition to protecting the privacy of the minor victim's or witness' identity, this bill authorizes the Supreme Court of Maryland to adopt rules to require or authorize a person making a redacted filing to also file an unredacted copy under seal.

The bill's coverage for minor victims or witnesses of a crime defines minor victims in the same way as the comparable Federal law 18 U.S.C. § 3509, which states, "the term 'child' means a person who is under the age of eighteen". That law governs the privacy protection of the identity to minors who are victims of a crime or witness to a crime committed against another person in Federal cases.

The Federal law goes much further. 18 U.S.C. Section 3509(d) requires that all government employees connected with "a criminal proceeding," all court personnel, the defendant and all employees of the defendant, and all members of the jury cannot disclose the name or any other information concerning a child and such information must be kept in a secure place to which no person who does not have reason to know their contents has access. Pursuant to 18 U.S.C. § 403, another procedural statute, disclosure knowingly or intentionally of the privacy protection of a minor under Section 3509 is a criminal contempt punishable by a fine and up to one year's imprisonment.

This Amendment to the Maryland Code proposed in Section 11-301 only addresses the protection of the identity of the minor in Court filings and is a major step in the direction of protecting minors under the Maryland Criminal Code. I request that the Committee vote in favor of this legislation.

Respectfully submitted,

Delegate N. Scott Phillips