

**2023 Regular Session of the Maryland General Assembly
Testimony Before the House Judiciary Committee**

House Bill 1032

Criminal Procedure – Protection of Identity of Minor Victim

Witness: Michael T. Pedone

Position: **FAVORABLE**

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. A child who was a victim of multiple sexual assaults recently said to me:

“I don’t want everyone at school knowing about this.
I’m not pressing charges if people can find out who I am.”

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.

HB 1032 will not prejudice the rights of criminal defendants. Those defendants will continue to have access to information about their accusers because HB1032 would (1) authorize the Supreme Court of Maryland to adopt rules requiring unredacted documents to be filed under seal, similar to Federal Rule of Criminal Procedure 49.1; and (2) allow any judge, for good cause, to require filing of an unredacted document.

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

Respectfully submitted,
Michael T. Pedone