



Maryland State's Attorneys' Association

3300 North Ridge Road, Suite 185

Ellicott City, Maryland 21043

410-203-9881

FAX 410-203-9891

Rich Gibson
President

Steven I. Kroll
Coordinator

DATE: **March 6, 2023**

BILL NUMBER: **HB 1032**

POSITION: **No position**

The Maryland State's Attorney's Association (MSAA) takes no position on House Bill 1032, but offers the following information for the Judiciary Committee's consideration.

HB 1032 provides that, absent good cause, court filings may not include information that could be reasonably expected to identify a minor victim of a crime. The MSAA wholeheartedly agrees with the intent that animates this bill – prosecutors recognize the ways in which public court proceedings often intrude on very private aspects of a victim's life, and scrupulously work to protect the privacy of victims whenever possible.

As the law currently exists in Maryland, prosecutors can request that courts shield the contact information of crime victims.¹ Additionally, in order to protect the identity of victims, particularly minor victims and victims of sexual offenses, prosecutors can, and do, refer to them using only their initials in charging documents and secure protective orders to restrict dissemination of sensitive material that is required to be disclosed during the discovery process.²

If enacted in its present form, however, HB 1032's broad scope may frustrate attempts at compliance. Take, for example, a prosecution for sexual abuse of a minor – the unfortunate reality is that many juvenile victims of sexual abuse are related to the perpetrator.³ In such a case, the very identity of the defendant may be reasonably expected to identify the minor victim. In matters that proceed to trial, HB 1032 has the potential to impact a significant volume of documents and records – everything received by the court, from evidence admitted during trial to transcripts prepared for an appeal, would need to be evaluated against the standard set out in HB 1032.

The MSAA celebrates efforts to better protect the privacy of victims, and respectfully requests that this Committee take the above information into account during its consideration of HB 1032.

¹ MD. CODE ANN., CRIM. PRO. § 11-301; Md. Rule 16-915(c).

² Md. Rule 4-262(m), 4-263(m).

³ HOWARD N. SNYDER, PH.D., DEPARTMENT OF JUSTICE – BUREAU OF JUSTICE STATISTICS, SEXUAL ASSAULT OF YOUNG CHILDREN AS REPORTED TO LAW ENFORCEMENT: VICTIM, INCIDENT, AND OFFENDER CHARACTERISTICS 10 (2000) (finding juvenile victims of sexual assault to be related to the perpetrator in 34.2% of cases reported to law enforcement).