

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 458
Criminal Procedure – Protection of Identity of Minor Victim
DATE: January 24, 2024
(2/15)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 458. 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. 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 victim’s information is entirely redacted from a 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 itself, such as a date of birth identifying the person as a minor.

Finally, it is not clear how a good cause hearing could occur before the filing of the pleading. The court cannot review a pleading until it is filed.

cc. Hon. N. Scott Phillips
Judicial Council
Legislative Committee
Kelley O’Connor