

2024 Regular Session of the Maryland General Assembly
Testimony Before the House Judiciary Committee
House Bill 458

Criminal Procedure – Protection of Identity of Minor Victim

Witness: Michael T. Pedone

Position: **FAVORABLE**

I am a Maryland attorney. I submit this testimony on behalf of children who have been victims of crimes and who wish to remain anonymous.

- **Child victims** of sex crimes, 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 including embarrassment, ridicule, or blame.
- These **risks are heightened by social media**, which permits rapid and widespread sharing of gossip.
- These risks can **deter children from reporting crimes**, thereby allowing their abusers to go un-prosecuted.
- 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 requires disclosure of the victim's name in an indictment 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 458 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 458 will not prejudice the rights of criminal defendants. Those defendants will continue to have access to information about their accusers because HB458 would:
 - only require redaction of identifying information in court filings, and would not affect the disclosure of information to defendants and their counsel during discovery; and
 - 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 458.

Respectfully submitted,
Michael T. Pedone