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MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 977
Enforcement of Federal Immigration Law – Restrictions on Access
to Information (Maryland Data Privacy Act)
DATE: March 21, 2025
(3/26)
POSITION: Oppose

The Maryland Judiciary continues to oppose Senate Bill 977 to the extent it would apply to the Judiciary as a unit of State Government.

This bill as amended requires a unit of state government to deny access to a database to any individual who is or appears to be seeking access for the purpose of enforcing federal immigration law unless the individual has a valid warrant and clearly identifies the record to be accessed. In addition, each unit of state government shall maintain a record of each request seeking access to a database, record or information described in this bill and report on these requests to the Office of the Attorney General.

This would be completely unworkable for the Judiciary. Currently, the Judiciary operates Maryland Electronic Courts (MDEC), public kiosks in the courthouses, Case Search and Secure Case Search. For those with direct access to MDEC and Secure Case Search, it would be impossible to know what their purpose for accessing the database is and when they access the information. It would also be impossible to track users on Case Search and the public kiosks in courthouses. To do so, the Judiciary would need to require that all users enter their name, address, email and phone number for every visit to each

webpage. The Judiciary would then need to ask if the user is accessing data for federal immigration enforcement and electronically deny access to those who click yes. It is unclear how this could be enforced or how this data could be validated. In addition, this would cause delays in data retrieval as system performance would be impacted. This also poses transparency concerns of capturing personal information for someone to access public data.

To further describe the impact this legislation would have on the Judiciary, it is important to note that there are 12,000 visits to Secure Case Search daily, 1.8 million visits to Case Search daily, and 80,000 visits to the MDEC Attorney Portal. This is estimated at 454,080,000 webpage and database visits annually to the Judiciary's databases and over 454 million records of name, address, email and phone numbers would need to be sent to the Attorney General each year. This estimation does not include the number of users who access the public kiosks in courthouses around the state but would raise the number of records provided to the Attorney General. There would be absolutely no ability for the Judiciary to track access of all these webpage and database visits and the purpose of those visits.

cc. Hon. Clarence Lam
Judicial Council
Legislative Committee
Kelley O'Connor