

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



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MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: House Economic Matters Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq., William R. Vormelker
410-260-1523
RE: House Bill 711
Data Privacy - Consumer Data, Public Records, and Message
Switching System (Data Privacy Act)
DATE: February 16, 2026
(2/24)

INFORMATIONAL COMMENT PAPER

The Judiciary respects the separation of powers doctrine and acknowledges the policy-making authority of the legislative branch. As such, the Judiciary has no position on the policy aims of this legislation. The Judiciary only writes to note some of the procedural and operational changes that would be required under this bill.

This bill provides that a custodian may not knowingly disclose a public MVA record containing personal information to a “person” or “government agency” for immigration enforcement in the absence of a warrant. The current law prohibits disclosure to a “federal agent” or “federal agency” in the absence of warrant. There are court records that contain MVA records, and without the limitation of “federal agency” or “federal agent,” a clerk would not be able to identify whether a “person” is seeking the record for immigration purposes.

Similarly, there is an added requirement that “a custodian shall take reasonable steps to determine whether a person seeking access to a public record is doing so for the purpose of enforcing immigration law.” This would impact access to business license records as

this change would require the Clerks of Court to affirmatively determine an individual's motivation for seeking access to such records.

Moreover, if a custodian does make a disclosure prohibited by the revised statutes, they would be subject to liability. Placing liability on individual officers or employees of the court for releasing documents under the Public Information Act increases the risk of these disclosures.

cc. Hon. Lorig Charkoudian
Judicial Council
Legislative Committee
Kelley O'Connor