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## POSITION ON PROPOSED LEGISLATION

**BILL: Senate Bill 121, Personal Information – Public Servant Protections**

**FROM: Maryland Office of the Public Defender**

**POSITION: Favorable With Amendments**

**DATE: 2/10/26**

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The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on Senate Bill 121 with the following amendments: add employees of the Office of the Public Defender to the definition of protected individual in section (g). We have had discussions with Senator Hester's office regarding this proposed amendment. We appreciate their time and attention and look forward to speaking with them further.

Senate Bill 121 offers privacy protections to protected individuals, specifically prosecutors and law enforcement. We support this bill, and urge the inclusion of our office. Some commonalities that we, as public defenders, have with prosecutors is that neither of us get to choose our cases and that members of the public don't always appreciate the jobs that we do. What's more, as defense attorneys our clients set the goals and we are constitutionally required to advocate for those goals. In other words, if my client charged with homicide wants me to ask the court to go home on bail, I'm obliged to make that request on their behalf. If I am representing a child in juvenile court and they specifically do not want to go home to parents with whom they feel unsafe, I am required to advocate for that.

Sometimes members of the general public dislike our clients, or that we're representing our clients in the way we're required to. I've been with OPD for over 25 years and have handled high profile cases. It's difficult when your loved ones see disparaging statements in the comments section of the local news. But it's downright scary when those same people track down your personal email, and send you threats via email. And worse still when they find and publish your home address- which is

exactly what happened to one of my colleagues. Even after my colleague moved, a bomb threat was delivered to the office, which then necessitated police officers to be stationed outside for two weeks.

Our amendment would also ensure parity within the criminal legal system. As written, the bill creates an inequity by protecting only one side of the adversarial process. Both prosecutors and public defenders operate in the same courtrooms, handle identical case types, and fulfill vital, mandated roles in the legal system. Public defenders provide the Sixth Amendment right to counsel. If protections are extended to prosecutors, they must equally apply to the defenders who ensure constitutional rights are upheld.

OPD's proposed amendment is consistent with the legislative intent of the bill. The foundation of this bill, protecting public servants following tragedies like those involving Judge Wilkinson, applies to all key participants in the criminal justice system.

Public defenders nationwide have been victims of violence, stalking, and harassment.<sup>1</sup> Our personal information is equally vulnerable to exploitation by those seeking retribution.

For all of these reasons we feel it is important, and worthwhile, to include Public Defenders as protected individuals in this bill.

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report with the amendments noted above on SB 121.**

**Submitted by: Maryland Office of the Public Defender, Government Relations Division.  
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<sup>1</sup> Courts Must Uphold Dignity and Impartiality, Not Tolerate Threats to Public Defenders. Nellie King, NACDL President. <https://nacdl.medium.com/courts-must-uphold-dignity-and-impartiality-not-tolerate-threats-to-public-defenders-87ff83ec02cf>

