

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 213

(Senator Lee)

Judicial Proceedings

Judiciary

Criminal Procedure - Victims and Witnesses - Restrictions on Release of
Personal Information

This bill authorizes the victim of or witness to a domestically related crime or a delinquent act that would be a domestically related crime if committed by an adult, or a victim's representative, to request the withholding of the address or telephone number of the victim, victim's representative, or witness before the trial or adjudicatory hearing. The bill expands the process under a statutory provision that currently only authorizes such requests in situations involving a felony or a delinquent act that would be a felony if committed by adult.

Fiscal Summary

State Effect: The bill does not materially affect the workload or finances of the Judiciary or the Office of the Public Defender (OPD), as discussed below.

Local Effect: The bill's requirements do not materially affect the workload or finances of State's Attorneys' offices, as discussed below.

Small Business Effect: None.

Analysis

Current Law: On request of the State, a victim of or witness to a felony or delinquent act that would be a felony if committed by an adult, or a victim's representative, a judge, State's Attorney, District Court commissioner, intake officer, or law enforcement officer may withhold the address or telephone number of the victim, victim's representative, or

witness before the trial or adjudicatory hearing in a juvenile delinquency proceeding, unless a judge determines that good cause has been shown for the release of the information.

A “domestically related crime” (under § 6-233 of the Criminal Procedure Article) is a crime committed by a defendant against a victim who is a “person eligible for relief” (under § 4-501 of the Family Law Article) or is a person who had a sexual relationship with the defendant within 12 months before the commission of the crime. Under § 4-501 of the Family Law Article, a “person eligible for relief” includes (1) the current or former spouse of the respondent; (2) a cohabitant of the respondent; (3) a person related to the respondent by blood, marriage, or adoption; (4) a parent, stepparent, child, or stepchild of the respondent or the person eligible for relief who resides or resided with the respondent or person eligible for relief for at least 90 days within one year before the filing of the petition; (5) a vulnerable adult; (6) an individual who has a child in common with the respondent; or (7) an individual who has had a sexual relationship with the respondent within one year before the filing of the petition.

Background: The Judiciary allows for the shielding of address and telephone number information for victims, victims’ representatives, and witnesses under Maryland Rule 16-910 and Maryland Rule 16-912(g) with the filing of a Confidential Supplement (CC-DC-001S) or a Request to Shield My Address/Telephone Number in a Criminal Case Record (CC-DC-052). These forms allow a victim, victim’s representative, or a witness to request the shielding of an address or a telephone number from public inspection for the protection of the victim, representative, or the witness in a criminal case filed in the District Court or circuit courts.

State Expenditures: The Judiciary advises that the bill impacts its ability to send automatically generated notices of trial dates and postponements, since the system used to generate those notices uses information in the electronic record. Regardless, the Judiciary advises that it does not anticipate a fiscal or operational impact on the courts. This estimate assumes that whatever process is used to send notices to victims and witnesses of felonies who have requested that their telephone numbers and addresses be withheld will be used for individuals who make such requests under the bill.

Although OPD may have to file additional motions in order to obtain withheld contact information for victims and witnesses, any such impact does not materially affect the workload or finances of OPD.

Local Expenditures: The Judiciary notes that if the court is not authorized to retain victim and/or witness information that the State has withheld, then State’s Attorneys’ offices will be responsible for notifying these individuals to appear for any required hearing. These requirements do not materially affect the workload or finances of State’s Attorneys’ offices, however.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 76 (Delegate Grammer) - Judiciary.

Information Source(s): Anne Arundel, Charles, Frederick, and Montgomery counties; City of Havre de Grace; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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Analysis by: Amy A. Devadas

Direct Inquiries to:
(410) 946-5510
(301) 970-5510