

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Joseph M. Getty
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Health and Government Operations Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 5
State Government – State and Local Government Employees and
Contractors – Cybersecurity Training
DATE: January 12, 2022
(3/1)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 5. Among various other provisions, this legislation adds the Judicial Branch to the definition of a “unit” and requires the Judicial Branch of the State government to ensure that employees and contractors are completing cybersecurity trainings. § 10-13B-03(B)(1) states that each employee of a unit shall complete a certified cybersecurity training if that employee’s job duties include accessing a state or local government computer system or database. An employee should complete a cybersecurity training at least four times a year.

This bill raises separation of power concerns as it applies to the Judiciary as it impedes the Judiciary’s independence. Article IV, §18(b)(1) identifies the Chief Judge of the Court of Appeals as the administrative head of the Maryland Judiciary. The power to administer the Judiciary is not an implied or inherent power but is an express constitutional power of the Chief Judge. This constitutional authority includes managing the Judiciary’s personnel and IT system.

This bill is also unnecessary in its application to the Judiciary as the Judiciary has its own security policies and protocols which are more than adequate to meet the Judiciary’s needs and satisfy the security requirements established by the bill. The Judicial Information Systems of the Maryland Judiciary (JIS) already mandates quarterly cyber security and awareness training for Judiciary personnel and contractors with an active Windows account in the Judiciary’s system. Additionally, JIS currently works with the Department of Information Technology on cybersecurity issues and topics as appropriate.

cc. Hon. Carol Krimm
Judicial Council
Legislative Committee
Kelley O’Connor