

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Matthew J. Fader  
Chief Justice

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** House Judiciary Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** House Bill 978  
Courts – Maryland Court Text Message System – Establishing,  
Implementing, and Maintaining  
**DATE:** February 7, 2024  
(2/21)  
**POSITION:** Oppose

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The Maryland Judiciary opposes House Bill 978. This legislation would establish the Maryland Court Text Message System, by amending the Courts and Judicial Proceedings Article to include a new Title 14.

The Judiciary supports the concept of a text messaging system for providing notification of court proceedings and, in fact, has been doing so in criminal proceedings since 2019. The system has been expanded over the years and plans are already in progress to expand this to additional case types and uses. However, the Judiciary cannot support this bill for several reasons. First, notification methods and processes are and should remain a program that is created and run by the Judiciary.

Second, the bill is overbroad in both its application to agencies beyond the authority of the Judiciary, and in its application to judicial and non-judicial matters. For example, the bill requires the Administrative Office of the Courts to establish, implement, and maintain a text message notification system for the Maryland Tax Court which is not a body over which the Judiciary has any authority to implement policy. The Maryland Tax Court is a state agency, part of the executive branch of government, not the judicial branch.

Further, the bill will require text message notification not only for court proceedings, but also, for court-related appointments and announcements. Although the terms “court-related appointments” and “court-related announcements” are not defined in this legislation, the bill could be read to apply to the scheduling of mediation, parenting seminars, and other “appointments,” the scheduling of which often is not done by the court. Likewise, in problem-solving courts, text messaging could be required for all medical appointments and drug testing, which are arguably “court-related,” but which are scheduled directly by outside providers.

Additionally, the frequency with which court proceedings are postponed, often at the last minute, makes the use of text messaging impractical in many situations. Further, the requirement that AOC submit a detailed implementation plan for the system by December 1, 2024, is unrealistic. And, while the Judiciary appreciates that the bill sets an annual appropriation of \$500,000 in the budget for the AOC to establish, implement, and maintain the system, beginning in fiscal year 2025, it expects that the cost of such a system will far exceed the appropriation.

Under the current court text messaging program operated by the Judiciary, defendants may request to be signed up via our Public Justice Access dashboard. The dashboard allows for opt-in, opt-out and sends a defendant two reminders, one seven days out from a hearing and another reminder one day before a hearing. If there are related cases to the base case, notifications will be sent for any associated hearings. In addition, the Judiciary has a text messaging expansion workgroup that is looking into expanding the program.

cc. Hon. Caylin Young  
Judicial Council  
Legislative Committee  
Kelley O'Connor