

SB 597 A STAFF MEASURE SUMMARY

Carrier: Sen. Taylor

Senate Committee On Judiciary

Action Date: 04/04/19

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 7-0-0-0

Yeas: 7 - Bentz, Fagan, Gelser, Linthicum, Manning Jr, Prozanski, Thatcher

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Gillian Fischer, Counsel

Meeting Dates: 3/20, 4/4

WHAT THE MEASURE DOES:

Authorizes use of pseudonym, initials, or other signifier on indictment, in lieu of actual name of a victim of a crime alleging sexual abuse. Requires that separate document containing name be simultaneously filed confidentially, with copy provided to defendant at arraignment, unless good cause is shown. Requires court to unseal an indictment where victim is truly named upon entrance of a final judgment. Provides that a district attorney shall disclose to a self-represented defendant a copy of the document listing a victim's true name. States that a court shall enter an order prohibiting the defendant from copying or disseminating the document.

ISSUES DISCUSSED:

- Acknowledges embarrassment felt by victims of sexual assault crimes
- Provides limited access to victim's identity to non-parties of a criminal case
- Prevents potential bad actors from identifying grand jury witnesses until after a case has completed
- Includes opportunity to request release of the indictment if good cause is shown

EFFECT OF AMENDMENT:

Allows court to unseal the document at any time during a criminal proceeding upon a finding of good cause. Requires court to unseal an indictment where victims and witnesses are truly named upon entrance of a final judgment. Provides that a district attorney shall disclose to a pro se defendant a copy of the document listing a victim's true name. States that a court shall enter an order prohibiting the defendant from copying or disseminating the document. Removes provisions relating to the use of pseudonyms for anyone other than the listed victim of a sex crime in the indictment.

BACKGROUND:

When a person is indicted, current law requires that the indictment include a statement of the acts constituting the offense and list the names of witnesses examined before the grand jury.

Senate Bill 597 A authorizes the use of a pseudonym, initials, or other signifier, in lieu of the name of the victim and witnesses, in the indictment. When this occurs, the measure requires that a separate document containing the names be filed under seal and provided to the defendant at arraignment, unless there is a good cause for delay.