

HOUSE BILL 1662

E2, D1, E4

0lr3784

By: **Delegate Hornberger**

Rules suspended

Introduced and read first time: March 5, 2020

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Criminal Records – Aliases**

3 FOR the purpose of prohibiting the publication of an alias used by a criminal defendant
4 and requiring the removal of data relating to an alias by the Administrative Office
5 of the Courts on the Maryland Judiciary Case Search; authorizing a person whose
6 name was used by an arrestee as an alias to request that the Criminal Justice
7 Information System Central Repository make a certain notation in the criminal
8 history record of the arrestee; requiring that a request made to the Criminal Justice
9 Information System Central Repository for a notation in a criminal history record be
10 in writing and contain certain information; requiring the Criminal Justice
11 Information System Central Repository to respond to a request for a notation in a
12 certain period of time; requiring the Criminal Justice Information System Central
13 Repository to make a certain notation and provide certain notice to a certain criminal
14 justice unit under certain circumstances; authorizing the Secretary of Public Safety
15 and Correctional Services to adopt certain regulations; providing for the application
16 of this Act; and generally relating to information on aliases maintained in criminal
17 records.

18 BY repealing and reenacting, with amendments,
19 Article – Courts and Judicial Proceedings
20 Section 13–101(e)
21 Annotated Code of Maryland
22 (2013 Replacement Volume and 2019 Supplement)

23 BY adding to
24 Article – Criminal Procedure
25 Section 10–230
26 Annotated Code of Maryland
27 (2018 Replacement Volume and 2019 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

13–101.

(e) (1) The Administrative Office of the Courts shall:

[(1)] (I) Keep a current list of alcoholism education or treatment programs that the Maryland Department of Health approves for use under § 6–219(c) or § 6–220(c) of the Criminal Procedure Article; and

[(2)] (II) Notify promptly the appropriate judges whenever the Maryland Department of Health approves a new alcoholism education or treatment program or withdraws approval for a program.

(2) WHEN PUBLISHING CASE INFORMATION FOR THE MARYLAND JUDICIARY CASE SEARCH, THE ADMINISTRATIVE OFFICE OF THE COURTS:

(I) MAY NOT INCLUDE INFORMATION IN THE CASE INFORMATION ON AN ALIAS USED BY A CRIMINAL DEFENDANT; AND

(II) SHALL REMOVE FROM ONLINE PUBLISHED CASE INFORMATION ANY DATA OF AN ALIAS USED BY A CRIMINAL DEFENDANT WHEN UPDATED CASE INFORMATION INCLUDING THE ACTUAL LEGAL NAME OF THE DEFENDANT IS PROVIDED BY A CLERK OF THE CIRCUIT COURTS OR THE DISTRICT COURT.

Article – Criminal Procedure

10–230.

(A) A PERSON WHOSE NAME OR OTHER PERSONAL INFORMATION HAS BEEN USED AS AN ALIAS BY ANOTHER AT THE TIME OF ARREST MAY REQUEST THAT A NOTATION OF THE FACT THAT THE ALIAS USED REPRESENTS THE IDENTITY OF ANOTHER BE MADE IN THE CRIMINAL RECORD OF THE ARRESTEE AT THE CENTRAL REPOSITORY.

(B) A REQUEST FOR A NOTATION UNDER SUBSECTION (A) OF THIS SECTION SHALL BE IN WRITING AND PROVIDE:

(1) THE NAME OF THE PERSON WHOSE CRIMINAL HISTORY RECORD INFORMATION IS MAINTAINED IN THE CENTRAL REPOSITORY;

1 **(2) THE FULL NAME OF THE PERSON SEEKING THE NOTATION AND A**
2 **COPY OF GOVERNMENT–ISSUED PHOTO IDENTIFICATION PROVING IDENTITY;**

3 **(3) A SWORN STATEMENT, UNDER PENALTY OF PERJURY, THAT THE**
4 **INFORMATION IN THE REQUEST IS ACCURATE AND MADE IN GOOD FAITH; AND**

5 **(4) ANY OTHER INFORMATION OR DOCUMENTATION THAT THE**
6 **SECRETARY DEEMS NECESSARY TO ENSURE THAT THE NOTATION SYSTEM IS NOT**
7 **MISUSED.**

8 **(C) WITHIN 30 DAYS AFTER RECEIVING A REQUEST FOR A NOTATION, THE**
9 **CENTRAL REPOSITORY SHALL NOTIFY THE PERSON REQUESTING THE NOTATION**
10 **WHETHER THE REQUEST WAS ACCEPTED, WAS DENIED, OR REQUIRES MORE**
11 **INFORMATION OR DOCUMENTATION.**

12 **(D) IF A REQUEST FOR A NOTATION IN A CRIMINAL HISTORY RECORD IS**
13 **GRANTED, THE CENTRAL REPOSITORY SHALL:**

14 **(1) MAKE A NOTATION IN ITS RECORDS; AND**

15 **(2) GIVE NOTICE OF THE NOTATION TO EACH CRIMINAL JUSTICE UNIT**
16 **THAT HAS CUSTODY OF THE CRIMINAL HISTORY RECORD OF THE ARRESTEE.**

17 **(E) THE SECRETARY MAY ADOPT REGULATIONS TO CARRY OUT THIS**
18 **SECTION.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
20 apply retroactively and shall be applied to and interpreted to affect case information
21 published by the Administrative Office of the Courts on the Maryland Judiciary Case
22 Search prior to the effective date of this Act.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2020.