

Department of Legislative Services  
Maryland General Assembly  
2026 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

Senate Bill 294

(Senator Love)

Judicial Proceedings

Judiciary

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Criminal Procedure – Protection of Identity of Victim of Sexual Assault or  
Stalking

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This bill prohibits, on notice that a case filing or record includes identifying information about a victim of sexual assault or stalking, the court or a party in a criminal or juvenile delinquency case from disclosing or allowing the inspection of electronic or paper filings or records to anyone other than the victim/victim’s representative unless all identifying information is redacted. The bill also includes a limited exception based on a court’s finding of good cause by clear and convincing evidence. Further, on written request of a victim of sexual assault or stalking, the court must redact identifying information relating to the victim from an existing file or record. Finally, the bill authorizes a health occupations board to petition the court to order the disclosure or allow inspection of an unredacted filing or record for disciplinary purposes, as specified.

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Fiscal Summary

**State Effect:** General fund expenditures for the Judiciary increase by \$13,500 in FY 2027 for one-time programming costs. Otherwise, the bill is not anticipated to materially affect State operations or finances.

**Local Effect:** The bill is not anticipated to materially affect local government operations or finances.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** “Victim of sexual assault” means an alleged victim of sexually assaultive behavior as defined by § 10-923 of the Courts and Judicial Proceedings Article or a crime

as specified by Title 3, Subtitle 11 (Human and Marriage Trafficking) of the Criminal Law Article. “Victim of stalking” means an alleged victim of stalking as defined by § 3-802 of the Criminal Law Article.

### *Health Occupations Boards – Petition Process to Access Information*

A health occupations board that has licensed or certified the defendant or respondent may petition the court to order the disclosure or allow inspection of an unredacted filing or record for the purpose of investigating or otherwise disciplining the defendant or respondent for sexual misconduct in accordance with statute. The health occupations board must serve notice of the petition on each party in the case.

After receiving notice of a petition, the State’s Attorney must notify each victim in the case (1) that a petition has been filed to release the victim’s identifying information to a health occupations board for the purpose of discipline against the defendant or respondent; (2) of the type of information that may be released to the board; (3) how the victim may object to the disclosure to or inspection of the unredacted filing or record; and (4) of the sexual assault crisis programs certified by statute.

Unless a victim in the case objects, an investigation or other disciplinary action taken by a health occupations board against a defendant is good cause to allow disclosure or inspection of an unredacted filing or record. A health occupations board that obtains a filing or record may not publicly disclose the record or filing.

### **Current Law:**

#### *Statutory Protections Related to Certain Victim and Witness Information*

Section 11-301 of the Criminal Procedure Article provides certain protections from the release of an address or phone number of a victim or witness in a criminal proceeding. Generally, on motion of the State or on request of a victim or witness, during a criminal trial or a juvenile delinquency adjudicatory hearing, a court may prohibit the release of the address or telephone number of the victim or witness unless the court determines that good cause is shown for the release of the information.

Chapters 877 and 878 of 2024 expanded upon the protections within § 11-301 by prohibiting the court or a party in a criminal or juvenile delinquency case, on notice that an electronic or paper filing includes identifying information of a minor victim, from disclosing or allowing inspection of any such filing (including a charging document) to a nonparty unless the court or the party disclosing or allowing inspection of the filing redacts all identifying information within the filing or the court finds by clear and convincing evidence that there is good cause to order otherwise.

“Identifying information” means the name of, and any other information that could reasonably be expected to identify, a minor victim.

### *Sexually Assaultive Behavior*

Pursuant to § 10-923 of the Courts and Judicial Proceedings Article, “sexually assaultive behavior” means an act that would constitute (1) a sexual crime under Title 3, Subtitle 3 of the Criminal Law Article; (2) sexual abuse of a minor under § 3-602 of the Criminal Law Article; (3) sexual abuse of a vulnerable adult under § 3-604 of the Criminal Law Article; (4) a violation of 18 U.S.C. Chapter 109A (sexual abuse); or (5) a violation of a law in another state, the United States, or a foreign country that is equivalent to any of these offenses.

### *Health Occupations Boards and Discipline Related to Sexual Misconduct*

Each health occupations board authorized to issue a license or certificate must adopt regulations that prohibit sexual misconduct and provide for the discipline of a licensee or certificate holder found to be guilty of sexual misconduct. For purposes of regulations adopted in accordance with this requirement, “sexual misconduct” must be construed to include, at a minimum, behavior where the health care provider (1) has engaged in sexual behavior with a client or patient in the context of a professional evaluation, treatment, procedure, or other service to the client or patient, regardless of the setting in which the professional service is provided; (2) has engaged in sexual behavior with a client or patient under the pretense of diagnostic or therapeutic intent or benefit; or (3) has engaged in any sexual behavior that would be considered unethical or unprofessional according to the code of ethics, professional standards of conduct, or regulations of the appropriate health occupations board.

Subject to the provisions of law governing contested cases, if an applicant, licensee, or certificate holder violates such a regulation, a board may deny a license or certificate to the applicant, reprimand the licensee or certificate holder, place the licensee or certificate holder on probation, or suspend or revoke the license or certificate.

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## **Additional Information**

**Recent Prior Introductions:** Similar legislation has been introduced within the last three years. See HB 613 of 2025.

**Designated Cross File:** HB 450 (Delegate Guyton, *et al.*) - Judiciary.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State’s Attorneys’ Association; Department of Legislative Services

**Fiscal Note History:** First Reader - February 3, 2026  
caw/jkb Third Reader - March 30, 2026  
Revised - Amendment(s) - March 30, 2026

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