

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 900 - ACCESS TO ~~COURT~~ JUDICIAL RECORDS

ADD new Rule 16-911, as follows:

Rule 16-911. CASESEARCH ACCESS TO CASE RECORDS

(a) Definition

"CaseSearch" means the program that provides access through the Internet to certain case record information. It does not include access through the Rules in Title 20 (MDEC).

(b) In General

CaseSearch access shall be provided to the public through a website maintained by the Administrative Office of the Courts.

(c) Information Accessible to the Public Through CaseSearch

Except as otherwise restricted by the Rules in this Title or other applicable law, the information set forth in sections (d), (e), and (f) of this Rule shall be accessible to the public through CaseSearch.

(d) Civil Cases

(1) In General

The following information in civil cases shall be accessible through CaseSearch:

(A) the court in which the case is pending and the case number assigned to the case;

(B) the case type, case status, and filing date of the complaint;

(C) the name of each party as recorded in the case caption;

Committee note: In certain cases involving a child, the caption may refer to the child and the child's parent by initials rather than a full name.

(D) the name and mailing address of each attorney who has entered an appearance for a party and, unless otherwise restricted, of each self-represented litigant;

(E) the docket entries in the case; and

(F) calendar information.

(2) Method of Search

Civil cases may be searched by party name, case number, filing date, or other methods determined by the State Court Administrator.

(e) Criminal and Incarcerable Traffic Offense Cases

(1) In General

Subject to section (c) of this Rule, the following information in criminal and incarcerable traffic offense cases shall be accessible by CaseSearch:

(A) the court in which the case is pending and the case number assigned to the case;

(B) the nature and date of filing of the charging document;

(C) the name of each defendant as recorded in the charging document, and the defendant's address, date of birth, race, sex, height, and weight, if and as recorded in the charging document;

(D) the charges contained in the charging document;

(E) arrest warrant information that is open to inspection;

Cross reference: See Rule 4-212 (d) (3).

(F) the name and address of each attorney who has entered an appearance for a defendant;

(G) the last names, badge numbers, and employing agency of arresting officers;

(H) the penalty sum of any bail bond, the name of the bail bondsman and the name and address of any bail bond company with which the bail bondsman is associated;

(I) the plea to and disposition of each charge;

(J) the docket entries in the case;

(K) calendar information; and

(L) sentencing information.

(2) Method of Search

Criminal cases may be searched by defendant's name, case number, filing date, or other methods determined by the State Court Administrator.

(f) Non-incarcerable Traffic Cases

(1) In General

Subject to section (c) of this Rule, in non-incarcerable traffic cases, all information on the citation shall be accessible on CaseSearch except:

(A) the defendant's driver's license number, telephone number, and e-mail address shall not be accessible; and

(B) the month and year, but not the day, of the defendant's date of birth shall be accessible.

(2) Method of Search

Traffic offense cases may be searched in the same manner as criminal cases.

(g) Exceptions

(1) In General

In addition to any other restrictions imposed by the Rules in this Title or other applicable law, the names, personal addresses, and other personal identifying information of witnesses and victims shall not be accessible by CaseSearch.

(2) Government Agencies and Officials

Nothing in this Rule precludes the Administrative Office of the Courts from providing remote electronic access to additional information contained in case records to government agencies and officials (A) who are approved for such access by the Chief Judge of the Court of Appeals, upon a recommendation by the State Court Administrator, and (B) when those agencies or officials seek such access solely in their official capacity,

subject to such conditions regarding the dissemination of such information imposed by the Chief Judge.

(h) Removal from CaseSearch

(1) Generally

A case record shall be removed from CaseSearch five years after the case is concluded, unless it is removed sooner pursuant to subsection (h)(2) of this Rule. For purposes of this Rule, an action is concluded when (A) final judgment has been entered in the action, (B) there are no motions, other requests for relief, or charges pending, and (c) the time for filing an appeal or application for leave to appeal has expired or, if an appeal or application for leave to appeal was filed, all appellate proceedings have ended.

(2) Criminal and Incarcerable Traffic Cases

Subject to any other applicable law, information regarding crimes, including incarcerable traffic offenses, charged in a charging document shall be removed from CaseSearch upon the earliest of (A) the entry of a nol pros or other dismissal of all charges in that case, (B) the entry of a verdict of not guilty on all charges in the case, or (C) a reversal without remand of all convictions in that case by an appellate court or vacation of a all convictions in that case by a court exercising collateral review of the conviction.

Committee note: (1) Retention and disposition schedules adopted pursuant to State statutes and Rules may require that certain case records be retained, either permanently or for specific

periods, or disposed of at specific times. The Administrative Office of the Courts may conform access through CaseSearch to those schedules. (2) A judgment of conviction is entered when sentence is imposed.

An index to money judgments is available from CaseSearch. That index will be available after the case record is removed from CaseSearch.

(3) Non-incarcerable Traffic Case

Information regarding a non-incarcerable traffic case shall be removed from CaseSearch upon the expiration of three years from the entry of judgment.

(i) Disclaimer

The information on CaseSearch is taken from the electronic version of case records filed in the district, circuit, and appellate courts. It may not always be immediately up-to-date and will not always show other information in the case file that may reflect on the currency and reliability of the limited information on CaseSearch. Access to CaseSearch may be subject to a disclaimer by the Administrative Office of the Courts. Any person who believes that a statement on CaseSearch is inaccurate may file a request to correct the case record pursuant to Rule _____.

Source: This Rule is new.

REPORTER'S NOTE

A new Rule providing for the procedures applicable to CaseSearch is proposed to be added, because no Rule had been in existence previously.