



# Administrative Office of the Courts

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## Judicial Branch Testimony in favor of LD 2121

### **An Act to Enhance the Safety of Judicial and Elected Officials, Constitutional Officers and the State Auditor by Allowing Certain Personal Information to Be Removed from Designated Public Records**

Senator Carney, Representative Kuhn and members of the Joint Standing Committee on the Judiciary, I am Barbara Cardone, Director of Legal Affairs and Public Relations for the Maine Judicial Branch, and I am here to testify in favor of LD 2121. I am not going to repeat the policy reasons for this bill as testified to by Representative Faircloth or the statistics related to judges included in the Chief Justice's testimony. Instead, I am focusing this testimony on the structure of the bill and the options that you have for revising it.

First, I can assure you that the bill as printed needs to be revised. The initial draft was put together to meet the cloture deadline and without the opportunity to work the text with the various stakeholders. We are in the process of arranging a meeting with your committee analyst to work on revisions. We plan to bring a revised draft to the work session.

Second, I wanted to let you know that 38 states have some form of a statute dealing with keeping personal judicial information out of public circulation. No two bills are alike. There is no single template to work from. Some of the states have included elected officials, federal and state, and some have even included police officers, healthcare workers and social workers. Although there is no model statute to work from, most of the statutes contain provisions that answer five basic questions:

1. Who is covered by the statute?
2. What state and local governments or agencies are tasked with keeping information private?
3. What information may not be shared by a state or local agency?
4. Who notifies the state or local agency who possesses the public record that they may no longer release the personal information?
5. Does the law prohibit posting or publication by third parties?

I think that keeping these questions in when you review and analyze the draft text will help each of you to frame your thoughts about the bill and will help guide you in a committee discussion about what should be in the bill and whether the draft you are considering is complete.

I hope this information is of some help to you in evaluating the draft that the stakeholders are working on for the work session. I would be happy to take questions.