

HOUSE BILL 1093

E2, D2

01r0553

By: **Delegate Grammer**

Introduced and read first time: February 6, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County Circuit Court – Criminal Proceedings Court Webcast – Pilot**
3 **Program**

4 FOR the purpose of establishing for certain criminal proceedings in the Circuit Court for
5 Baltimore County a certain exception to the prohibition against recording or
6 broadcasting a criminal matter; providing for the application and scope of this Act;
7 requiring a certain presiding judge to ensure that a certain webcast does not include
8 certain matters; requiring the Circuit Court for Baltimore County to webcast in a
9 certain manner certain criminal proceedings; requiring the Circuit Court for
10 Baltimore County to provide certain equipment; prohibiting a person from
11 broadcasting or otherwise disseminating certain portions of a court webcast under
12 certain circumstances; providing that a person who violates a certain provision of
13 this Act may be held in contempt of court; defining certain terms; providing for the
14 termination of this Act; and generally relating to court webcasts of certain criminal
15 proceedings by the Circuit Court for Baltimore County.

16 BY repealing and reenacting, with amendments,
17 Article – Criminal Procedure
18 Section 1–201(a)(1)
19 Annotated Code of Maryland
20 (2018 Replacement Volume and 2019 Supplement)

21 BY adding to
22 Article – Criminal Procedure
23 Section 1–201.1
24 Annotated Code of Maryland
25 (2018 Replacement Volume and 2019 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Criminal Procedure

1-201.

(a) (1) Except as provided in subsection (b) of this section AND § 1-201.1 OF THIS SUBTITLE, a person may not record or broadcast any criminal matter, including a trial, hearing, motion, or argument, that is held in trial court or before a grand jury.

1-201.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “COURT WEBCAST” MEANS AN AUDIO AND VISUAL BROADCAST ON THE INTERNET BY THE CIRCUIT COURT FOR BALTIMORE COUNTY.

(3) “PRESIDING JUDGE” MEANS:

(I) THE JUDGE DESIGNATED TO PRESIDE OVER A CRIMINAL PROCEEDING SUBJECT TO A COURT WEBCAST; OR

(II) IF A JUDGE HAS NOT BEEN DESIGNATED, THE ADMINISTRATIVE JUDGE FOR THE CIRCUIT COURT FOR BALTIMORE COUNTY.

(B) THIS SECTION APPLIES ONLY TO A CRIMINAL PROCEEDING IN THE CIRCUIT COURT FOR BALTIMORE COUNTY.

(C) THE PRESIDING JUDGE OF A CRIMINAL PROCEEDING SHALL ENSURE THAT A COURT WEBCAST DOES NOT INCLUDE A PROCEEDING THAT:

(1) IS RELATED TO A PROSECUTION OF A SEXUAL CRIME UNDER TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE;

(2) IS CLOSED TO THE PUBLIC BY LAW OR JUDICIAL ORDER;

(3) INVOLVES THE SELECTION OF A JURY;

(4) INVOLVES A HEARING DETERMINING THE ADMISSIBILITY OF EVIDENCE;

(5) INVOLVES A HEARING DETERMINING IF A DEFENDANT’S CASE WILL BE REFERRED TO THE JUVENILE COURT;

(6) INVOLVES A JUVENILE COURT PROCEEDING;

1 **(7) IS A GRAND JURY PROCEEDING;**

2 **(8) INVOLVES A SENTENCING HEARING;**

3 **(9) INVOLVES A PRIVATE COMMUNICATION BETWEEN AN ATTORNEY**
4 **AND CLIENT;**

5 **(10) INVOLVES A SIDEBAR CONFERENCE BETWEEN THE COURT AND A**
6 **PARTY OR THE ATTORNEY FOR THE PARTY; OR**

7 **(11) INVOLVES DISCUSSION OF A TRADE SECRET.**

8 **(D) A COURT WEBCAST UNDER THIS SUBTITLE MAY NOT INCLUDE**
9 **COVERAGE OF:**

10 **(1) JURORS;**

11 **(2) SPECTATORS IN ATTENDANCE AT THE PROCEEDING;**

12 **(3) A WITNESS WHO:**

13 **(I) IS A POLICE INFORMANT, HAS BEEN RELOCATED, OR IS**
14 **OTHERWISE UNDER SPECIAL POLICE OR COURT PROTECTION;**

15 **(II) IS A MINOR; OR**

16 **(III) IS AN UNDERCOVER LAW ENFORCEMENT OFFICER.**

17 **(E) (1) SUBJECT TO SUBSECTIONS (C) AND (D) OF THIS SECTION, THE**
18 **CIRCUIT COURT FOR BALTIMORE COUNTY SHALL PROVIDE COURT WEBCASTS, ON**
19 **THE HOMEPAGE OF THE WEBSITE OF THE CIRCUIT COURT FOR BALTIMORE**
20 **COUNTY, FOR ALL CRIMINAL PROCEEDINGS HELD IN BALTIMORE COUNTY.**

21 **(2) THE CIRCUIT COURT FOR BALTIMORE COUNTY SHALL PROVIDE**
22 **EQUIPMENT NECESSARY FOR THE OPERATION OF THE COURT WEBCAST THAT:**

23 **(I) SHALL BE PLACED IN THE COURTROOM IN A MANNER THAT**
24 **MINIMIZES THE PRESENCE OF THE EQUIPMENT FROM THE VIEW OF TRIAL**
25 **PARTICIPANTS;**

26 **(II) HAS AN AUDIO AND VISUAL QUALITY THAT IS CLEAR AND**
27 **UNDERSTANDABLE TO THE PUBLIC; AND**

1 **(III) MAY BE CONTROLLED BY THE PRESIDING JUDGE.**

2 **(F) (1) A PERSON MAY NOT BROADCAST OR OTHERWISE DISSEMINATE**
3 **ANY PORTION OF A COURT WEBCAST OBTAINED FROM THE CIRCUIT COURT FOR**
4 **BALTIMORE COUNTY THAT CONTAINS THE IMAGE OR VOICE OF A VICTIM OF THE**
5 **CRIME WHICH IS THE SUBJECT OF THE CRIMINAL PROCEEDING WITHOUT THE**
6 **EXPRESS WRITTEN PERMISSION OF:**

7 **(I) THE VICTIM; AND**

8 **(II) THE STATE'S ATTORNEY FOR BALTIMORE COUNTY OR A**
9 **DESIGNEE OF THE STATE'S ATTORNEY FOR BALTIMORE COUNTY.**

10 **(2) A PERSON WHO VIOLATES THIS SUBSECTION MAY BE HELD IN**
11 **CONTEMPT OF COURT.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2020. It shall remain effective for a period of 5 years and, at the end of September
14 30, 2025, this Act, with no further action required by the General Assembly, shall be
15 abrogated and of no further force and effect.