

HOUSE BILL 1327

D1

0lr2441

By: **Delegate Bartlett**

Introduced and read first time: February 7, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Grand Jury Proceedings – Recordings and Transcripts**

3 FOR the purpose of establishing that certain grand jury proceedings shall be recorded and
4 transcribed; establishing that a court reporter shall provide a certain recording or
5 transcript on request to certain individuals; requiring the State’s Attorney for each
6 county to keep certain grand jury recordings and transcripts; repealing certain
7 provisions relating to grand jury testimony; establishing certain prohibitions for
8 certain individuals in possession of grand jury recordings or transcripts; authorizing
9 a circuit court to issue a written order requiring a certain grand jury recording or
10 transcript to be released to the public under certain circumstances; making certain
11 clarifying and conforming changes; and generally relating to recordings and
12 transcripts of grand jury proceedings.

13 BY repealing and reenacting, with amendments,
14 Article – Courts and Judicial Proceedings
15 Section 8–416
16 Annotated Code of Maryland
17 (2013 Replacement Volume and 2019 Supplement)

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

20 **Article – Courts and Judicial Proceedings**

21 8–416.

22 **(A) ALL GRAND JURY PROCEEDINGS SHALL BE RECORDED AND**
23 **TRANSCRIBED, EXCEPT GRAND JURY DELIBERATION AND VOTING SESSIONS.**

24 **[(a)] (B)** A court reporter [ordered to take testimony given before a grand jury]

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 shall take and transcribe the [testimony] **PROCEEDINGS**.

2 **[(b)] (C)** (1) A court reporter shall provide, as requested, **AN AUDIO OR**
3 **VIDEO RECORDING OR** a transcript of [testimony given before a] **THE** grand jury [for a
4 county] **PROCEEDING** to the grand jury [and], **THE** State's Attorney for the county, **THE**
5 **DEFENDANT, AND THE DEFENSE COUNSEL**.

6 (2) Each **AUDIO OR VIDEO RECORDING OR** transcript of [testimony given
7 before a grand jury] **GRAND JURY PROCEEDINGS** for a county shall be kept in the custody
8 of the State's Attorney for the county.

9 **[(3)** Unless the circuit court for a county orders otherwise after hearing the
10 State's Attorney for the county, neither the original nor a copy of the transcript of testimony
11 given before a grand jury may be taken from the office of the State's Attorney for the county,
12 other than for use of the grand jury or for production in court.

13 (4) On written order of the circuit court for a county, granted on written
14 motion of the State's Attorney for the county, the State's Attorney may have the notes as
15 to, and transcript of, grand jury testimony destroyed.

16 (c) Except on written order of the circuit court for a county after hearing the
17 State's Attorney for the county:

18 (1) A record of testimony given before a grand jury is for the exclusive use
19 and benefit of the grand jury and the State's Attorney; and

20 (2) A court reporter may not:]

21 **(D) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, ANY**
22 **PERSON IN POSSESSION OF A GRAND JURY AUDIO OR VIDEO RECORDING OR**
23 **TRANSCRIPT MAY NOT:**

24 **[(i)] (1)** Allow any other governmental unit or person to read or
25 have a copy of all or any part of the record; or

26 **[(ii)] (2)** Disclose wholly or partly the character of the contents of
27 the record to any other governmental unit or person.

28 **(E) ON WRITTEN MOTION AND AFTER A HEARING, A CIRCUIT COURT FOR A**
29 **COUNTY MAY ISSUE A WRITTEN ORDER REQUIRING AN AUDIO OR VIDEO RECORDING**
30 **OR A TRANSCRIPT OF A GRAND JURY PROCEEDING TO BE RELEASED TO THE PUBLIC,**
31 **IF THE COURT FINDS THAT THE RELEASE SERVES AN IMPORTANT PUBLIC INTEREST.**

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2020.