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Education, Energy, and the  
Environment Committee



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**TESTIMONY IN SUPPORT OF S400**  
**Places of Public Accommodation – Motion Picture Houses – Captioning**

Judicial Proceedings Committee  
February 16, 2023

Chair Smith, Vice-Chair Waldstreicher and Members of the Committee,

Thank you for the opportunity to testify before you on SB400, Places of Public Accommodation - Motion Picture Houses - Captioning. The purpose of this bill is to make motion picture houses fair and equitable for our deaf, hard of hearing, and non-English or non-native English-speaking residents. SB400 would require motion picture houses to offer open captioning showings twice per week per film. Only motion picture houses that have two or more operational locations in the state would be subject to this regulation. Additionally, “special” showings, such as a film that will only be shown for one night, are not subject to this regulation. Through passing this bill, Maryland has the opportunity to become a national leader in communications accessibility.

Everyone is likely familiar with closed captioning, which is an option that you can find on your TV remote or video streaming services. Closed captioning requires a separate device to process and display captions and gives the user the option to turn it off. Open captioning is a separate copy of the film with embedded captions. These cannot be turned off.

Currently, motion picture houses are required to provide individual closed captioning devices in compliance with a 2016 ruling by the Department of Justice. Closed captioning devices commonly take the form of wearable glasses or handheld devices that can fit into cup holders. As you will hear from witnesses, these devices are uncomfortable, distracting, frequently out of synch, and often encounter technical issues. The setup and troubleshooting of these devices can cause users to miss crucial scenes of the movie. These challenges often lend themselves to a less than favorable movie experience.

Many theater owners worry that offering more frequent open captioning showings may inconvenience moviegoers with a preference against captions, but, given the plethora of screening options available to consumers, it is hard to imagine circumstances in which a hearing moviegoer would be forced into watching an open captioned film. The reverse of this situation is a much more common experience for our state’s 1.2 million deaf or hard of hearing residents.

Further, research conducted by the charity, StageTEXT, performed in November of 2021 suggests that “31% of people would go to more live events if more had captions on a screen in the venue. Among 18-25-year-olds, that figure was 45%, compared with 16% among those over 56. The new data reveals lockdown has shifted public opinion towards increased captioning for in real life events in the future. Nearly 46% said that the number of captioned performances and events was not enough, with 77% saying they are in favor of venues offering more captioned performances.” According to the study, the public is also “more likely to back venues offering such a service with almost 43% describing such a service as valuable and almost a third (28%) suggesting these venues deserve more funding from grant giving organizations and the government”.

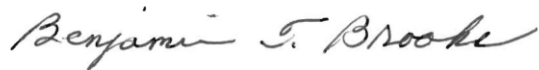
Further, a Preply study, in the U.S. found that:

- 74% of viewers say subtitles help them comprehend the plot.
- 68% say subtitles help hold their attention on the screen.
- 55% say they often have to rewind after missing things said then they use subtitles.

As you will hear from our opponents, many theaters are already voluntarily offering open-captioned showings in areas where they feel there is a market. This means for some deaf or hard of hearing Marylanders; it may be nearly impossible to find an open-captioned showing at a convenient time. Furthermore, since it is not mandated, the parameters of these voluntary programs may change from time to time. SB400 limits the movie theater’s ability to arbitrarily alter these programs by providing clear guidance. This mandate eliminates uncertainties for both theaters and moviegoers.

For these reasons, I am requesting a favorable report.

With kindest regards,

A handwritten signature in cursive script that reads "Benjamin T. Brooks".

Benjamin Brooks