

SENATE BILL 149

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SB 185/02 - JPR

2003 Regular Session
3r0412
CF 3r1956

By: **Senators Kelley, Conway, Currie, Forehand, Giannetti, Gladden,
Grosfeld, Hughes, Jacobs, Jones, Lawlah, McFadden, Ruben, and Stone**
Introduced and read first time: January 24, 2003
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Courts - Right of Party to Be Present at Trial**

3 FOR the purpose of providing that, absent a voluntary waiver, a party to a judicial
4 action may not be excluded from the trial except to preserve decorum or to
5 continue the orderly proceedings of the court; providing that this right may not
6 be abridged by certain rules or regulations adopted by the Court of Appeals;
7 stating the intent of the General Assembly; and generally relating to a party's
8 attendance at a judicial action.

9 BY repealing and reenacting, with amendments,
10 Article - Courts and Judicial Proceedings
11 Section 1-201(a)
12 Annotated Code of Maryland
13 (2002 Replacement Volume)

14 BY adding to
15 Article - Courts and Judicial Proceedings
16 Section 6-411
17 Annotated Code of Maryland
18 (2002 Replacement Volume)

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

21 **Article - Courts and Judicial Proceedings**

22 1-201.

23 (a) (1) The power of the Court of Appeals to make rules and regulations to
24 govern the practice and procedure and judicial administration in that court and in the
25 other courts of the State shall be liberally construed. Without intending to limit the
26 comprehensive application of the term "practice and procedure," the term includes:

27 (I) [the] THE forms of process;

- 1 (II) [writs] WRITS;
- 2 (III) [pleadings] PLEADINGS;
- 3 (IV) [motions] MOTIONS;
- 4 (V) [parties] PARTIES;
- 5 (VI) [depositions] DEPOSITIONS;
- 6 (VII) [discovery] DISCOVERY;
- 7 (VIII) [trials] TRIALS;
- 8 (IX) [judgments] JUDGMENTS;
- 9 (X) [new] NEW trials;
- 10 (XI) [provisional] PROVISIONAL and final remedies;
- 11 (XII) [appeals] APPEALS;
- 12 (XIII) [unification] UNIFICATION of practice and procedure in
13 actions at law and suits in equity, so as to secure one form of civil action and
14 procedure for both; and
- 15 (XIV) [regulation] REGULATION of the form and method of taking
16 and the admissibility of evidence in all cases, including criminal cases.

17 (2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, ABSENT A
18 VOLUNTARY WAIVER, A PARTY TO AN ACTION MAY NOT BE EXCLUDED FROM THE
19 TRIAL EXCEPT TO PRESERVE DECORUM OR TO CONTINUE THE ORDERLY
20 PROCEEDINGS OF THE COURT.

21 6-411.

22 A PARTY TO AN ACTION MAY NOT BE EXCLUDED FROM THE TRIAL EXCEPT:

- 23 (1) BY THE PARTY'S VOLUNTARY WAIVER;
- 24 (2) TO PRESERVE DECORUM; OR
- 25 (3) TO CONTINUE THE ORDERLY PROCEEDINGS OF THE COURT.

26 SECTION 2. AND BE IT FURTHER ENACTED, That, it is the intent of the
27 General Assembly that any party to a judicial action, notwithstanding the party's
28 physical or mental disability, has the fundamental right to be present at the trial of
29 that action and that this right may be abridged in only three instances: to preserve
30 the decorum in the courtroom, to continue the orderly proceedings of the court, or if
31 the party voluntarily waives the right to be present at the trial.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2003.