

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 1070

(Delegate Smigiel, *et al.*)

Judiciary

Criminal Procedure - Media Coverage of Criminal Proceedings

This bill repeals the prohibition against recording or broadcasting a criminal matter held in trial court or before a grand jury and sets forth procedures for a trial judge to utilize when determining whether to grant a request to record or broadcast proceedings.

Fiscal Summary

State Effect: Potential operational effect on the Judiciary due to the need to provide training for judges and court personnel on managing trials with cameras present.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: A presiding judge is authorized to grant a media organization's request to provide coverage of criminal proceedings if, a minimum of 24 hours before the proceeding is scheduled to begin, the media organization files with the clerk of the court a written request that:

- identifies the criminal proceedings to be covered;
- identifies the dates of media coverage requested;
- describes any pooling arrangement made by media organizations;
- describes the equipment to be used; and

- identifies the representatives of the media organization who will be present during the proceeding.

The clerk of the court is required to provide notice of the request to each party involved in the criminal proceeding. The presiding judge may consider the following factors in determining whether to grant or deny the request for media coverage:

- the importance of promoting public access to the judicial system;
- the privacy rights and security of minors, witnesses, and jurors; and
- the maintenance of orderly conduct during the proceeding.

A judge may grant a request that does not comply with the requirements, order interested media organizations to make pooling arrangements, and limit coverage at any time before or during the proceeding that may deny a defendant the right to a fair and impartial trial, substantially compromise the civil rights or safety of a party involved in the proceedings, or disrupt the access to information by other news-gathering organizations.

A judge may not grant a request for media coverage of a closed criminal proceeding, a grand jury proceeding, a juvenile proceeding, or a criminal proceeding relating to a sexual crime.

Current Law: Generally, 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.

This prohibition applies to the use of television, radio, and photographic or recording equipment.

However, electronic or photographic equipment approved by the court may be used to:

- take the testimony of a victim of child abuse; or
- perpetuate a court record.

Violation of this prohibition may result in the person being held in contempt of court.

Background: According to the National Center for State Courts, in 2001, 34 states allowed cameras in criminal trials.

Additional Information

Prior Introductions: None.

Cross File: SB 550 (Senators Giannetti and Jimeno) – Judicial Proceedings.

Information Source(s): State's Attorneys' Association, Judiciary (Administrative Office of the Courts), Office of the Public Defender, Department of Legislative Services

Fiscal Note History: First Reader - March 7, 2005
ncs/jr

Analysis by: Kineta A. Rotan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510