

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 81 (Delegate Smigiel)
Judiciary

Criminal Procedure - Media Coverage of Criminal Proceedings

This bill authorizes a presiding judge to grant a request to provide media coverage of a criminal proceeding. The bill does not apply to a criminal proceeding closed to the public by law or judicial order, a grand jury proceeding, a juvenile proceeding, or a criminal proceeding relating to the prosecution of a sexual crime.

Fiscal Summary

State Effect: Any costs related to training for judges and court personnel on managing trials with cameras present could be handled with existing resources. The bill does not require courts to provide equipment to “media organizations.”

Local Effect: Any costs related to training for judges and court personnel on managing trials with cameras present could be handled with existing resources. The bill does not require courts to provide equipment to “media organizations.”

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.

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, 37 states allowed cameras in criminal trials in 2002.

State Expenditures: Any costs related to training for District Court judges and personnel on managing trials with cameras present could be handled with existing resources. The bill does not require courts to provide equipment to media organizations.

Local Expenditures: Any costs related to training for circuit court judges and personnel on managing trials with cameras present could be handled with existing resources. The bill does not require circuit courts to provide equipment to media organizations.

Additional Information

Prior Introductions: HB 1070/SB 550 of 2005, identical bills, were referred to the House Judiciary Committee and the Senate Judicial Proceedings Committee. SB 550 passed the Judicial Proceedings Committee with amendments, but was recommitted on third reading.

Cross File: None.

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 - January 26, 2006
nas/jr

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