

# HOUSE BILL 853

E2

9lr2400

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By: **Delegate Grammer**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County – Broadcast of Record of Criminal Proceedings – Pilot**  
3 **Program**

4 FOR the purpose of creating for certain cases in the Circuit Court for Baltimore County a  
5 certain exception to the prohibition against broadcasting a criminal proceeding;  
6 authorizing a presiding judge to grant a certain request to provide a recording of a  
7 criminal proceeding to a media organization; prohibiting a person from broadcasting  
8 or otherwise disseminating certain portions of a court recording under certain  
9 circumstances; providing that a person who violates this Act may be held in contempt  
10 of court; defining certain terms; providing for the termination of this Act; and  
11 generally relating to a certain pilot program in the Circuit Court for Baltimore  
12 County for media broadcasting of court recordings of certain criminal proceedings.

13 BY repealing and reenacting, with amendments,  
14 Article – Criminal Procedure  
15 Section 1–201(a)(1)  
16 Annotated Code of Maryland  
17 (2018 Replacement Volume)

18 BY adding to  
19 Article – Criminal Procedure  
20 Section 1–201.1  
21 Annotated Code of Maryland  
22 (2018 Replacement Volume)

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

25 **Article – Criminal Procedure**

26 1–201.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) Except as provided in subsection (b) of this section AND § 1-201.1 OF  
2 THIS SUBTITLE, a person may not record or broadcast any criminal matter, including a  
3 trial, hearing, motion, or argument, that is held in trial court or before a grand jury.

4 1-201.1.

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
6 INDICATED.

7 (2) "COURT RECORDING" MEANS AN AUDIO OR VISUAL RECORDING  
8 OBTAINED THROUGH RECORDING EQUIPMENT USED BY THE CIRCUIT COURT FOR  
9 BALTIMORE COUNTY.

10 (3) "MEDIA ORGANIZATION" INCLUDES A NEWS-GATHERING OR  
11 EDUCATIONAL ENTITY.

12 (4) "PRESIDING JUDGE" MEANS:

13 (I) THE JUDGE DESIGNATED TO PRESIDE OVER A CRIMINAL  
14 PROCEEDING FOR WHICH A COURT RECORDING IS REQUESTED BY A MEDIA  
15 ORGANIZATION; OR

16 (II) IF A JUDGE HAS NOT BEEN DESIGNATED TO PRESIDE OVER  
17 A CRIMINAL PROCEEDING AT THE TIME A COURT RECORDING IS REQUESTED BY A  
18 MEDIA ORGANIZATION, THE ADMINISTRATIVE JUDGE FOR THE CIRCUIT COURT FOR  
19 BALTIMORE COUNTY.

20 (B) THIS SECTION APPLIES ONLY TO A CRIMINAL PROCEEDING IN THE  
21 CIRCUIT COURT FOR BALTIMORE COUNTY.

22 (C) THIS SECTION DOES NOT APPLY TO A COURT RECORDING OF A  
23 CRIMINAL PROCEEDING THAT IS:

24 (1) RELATED TO A PROSECUTION OF A SEXUAL CRIME UNDER TITLE  
25 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE; OR

26 (2) CLOSED TO THE PUBLIC BY LAW OR JUDICIAL ORDER.

27 (D) (1) ON WRITTEN REQUEST BY A MEDIA ORGANIZATION, THE CIRCUIT  
28 COURT FOR BALTIMORE COUNTY SHALL PROVIDE COPIES OF ANY COURT  
29 RECORDING OF A CRIMINAL PROCEEDING IDENTIFIED BY THE MEDIA  
30 ORGANIZATION.

1           **(2) SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, A MEDIA**  
2 **ORGANIZATION MAY BROADCAST A COURT RECORDING OF A CRIMINAL PROCEEDING**  
3 **OBTAINED BY THE MEDIA ORGANIZATION FROM THE CIRCUIT COURT FOR**  
4 **BALTIMORE COUNTY.**

5           **(3) A PERSON MAY NOT BROADCAST OR OTHERWISE DISSEMINATE**  
6 **ANY PORTION OF A COURT RECORDING OBTAINED FROM THE CIRCUIT COURT FOR**  
7 **BALTIMORE COUNTY THAT CONTAINS THE IMAGE OR VOICE OF A VICTIM OF THE**  
8 **CRIME WHICH IS THE SUBJECT OF THE CRIMINAL PROCEEDING WITHOUT THE**  
9 **EXPRESS WRITTEN PERMISSION OF:**

10                   **(I) THE VICTIM; AND**

11                   **(II) THE STATE’S ATTORNEY FOR BALTIMORE COUNTY OR A**  
12 **DESIGNEE OF THE STATE’S ATTORNEY FOR BALTIMORE COUNTY.**

13           **(E) A PERSON WHO VIOLATES THIS SECTION MAY BE HELD IN CONTEMPT OF**  
14 **COURT.**

15           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2019. It shall remain effective for a period of 5 years and, at the end of September  
17 30, 2024, this Act, with no further action required by the General Assembly, shall be  
18 abrogated and of no further force and effect.