

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 853
Judiciary

(Delegate Grammer)

Baltimore County – Broadcast of Record of Criminal Proceedings – Pilot
Program

This bill requires the Circuit Court for Baltimore County, on written request by a media organization, to provide copies of any audio or visual recording obtained through recording equipment used by the court of a criminal proceeding identified by the media organization. The bill authorizes a media organization to broadcast a court recording of a criminal proceeding obtained from the Circuit Court for Baltimore County. However, a person may not broadcast or disseminate any portion of a court recording that contains the image or voice of a victim of the crime which is the subject of the criminal proceeding without the express written permission of the victim and the State’s Attorney for Baltimore County or the State’s Attorney’s designee. A person who violates this provision may be held in contempt of court. The bill does not apply to a court recording of a criminal proceeding that is related to a prosecution of a sexual crime or closed to the public by law or judicial order. **The bill terminates September 30, 2024.**

Fiscal Summary

State Effect: The bill can be implemented with existing budgeted resources, as discussed below. Revenues are not affected.

Local Effect: Potential minimal increase in local revenues from fees for recordings. Local expenditures may increase depending on the volume of requests received, as discussed below. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Current Law: The recording or broadcasting of criminal proceedings in Maryland courts, either by television, radio, photograph, or other recording equipment, is generally prohibited by statute. Exceptions include a recording done to take the testimony of a victim of child abuse or to perpetuate a court record. The exceptions are inapplicable to media organizations.

State Expenditures: The bill can be implemented with existing budgeted resources. While the bill may increase circuit court workloads in Baltimore County to address requests from media organizations, hearings from parties who would like to shield their matters from the public, and hearings on violations of the bill's provisions by media organizations, media organizations are likely to limit requests for recordings to select cases that generate public interest.

Local Revenues: Local revenues may increase minimally from fees charged for audio compact disc (CD) recordings. Baltimore County does not have video recording, but does have audio recording, and accordingly would only be able to comply with respect to audio recordings. The Circuit Court for Baltimore County charges a \$25 fee per reproduced audio recording, with a reduced fee for multiple CD orders. According to the county, the court's audio recording program deposited \$6,561 in CD fees during the past six months.

Local Expenditures: County expenditures may increase depending on the volume of requests generated by the bill. The audio recording program is maintained by the Circuit Court for Baltimore County's Administrative Offices, which is funded by the county. According to information provided by the county, the program produces an average of 43 CDs per month. The county advises that if it receives 150 or more additional requests per year as a result of the bill, it would probably need to hire a digital recording technician dedicated to handling transcript requests exclusively (including nonmedia organization requests). The costs associated with this position are \$42,394 in fiscal 2020, which accounts for the bill's October 1, 2019 effective date, increasing to \$62,539 by fiscal 2024. The costs associated with the position are \$16,057 in fiscal 2025, which accounts for the bill's September 30, 2024 termination date. This estimate assumes that the program terminates as indicated in the bill, and that the county no longer needs a dedicated position as of the bill's termination date.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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sb/kdm

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