

HOUSE BILL 810

E2
HB 1376/20 – JUD

2lr2900

By: **Delegate Kipke**

Introduced and read first time: February 3, 2022

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Cameras in the Courtroom – Criminal Sentencing**
3 **Hearings**
4 **(Cameras in the Courtroom Act of 2022)**

5 FOR the purpose of creating a certain exception to the general prohibition against recording
6 or broadcasting a criminal sentencing hearing to allow a media organization to
7 request to provide media coverage of a criminal sentencing hearing subject to certain
8 requirements; and generally relating to media coverage of criminal proceedings.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Procedure
11 Section 1–201
12 Annotated Code of Maryland
13 (2018 Replacement Volume and 2021 Supplement)

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

16 **Article – Criminal Procedure**

17 1–201.

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

20 (2) “CRIMINAL PROCEEDING” INCLUDES A CRIMINAL MATTER HEARD
21 IN OPEN COURT THAT THE PUBLIC IS ENTITLED TO ATTEND, INCLUDING PRETRIAL,
22 TRIAL, AND POSTTRIAL PROCEDURES.

23 (3) “CRIMINAL SENTENCING HEARING” MEANS A COURT

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 PROCEEDING IN WHICH A CRIMINAL DEFENDANT IS SENTENCED AFTER CONVICTION
2 BY A JUDGE OR JURY.

3 (4) "MEDIA COVERAGE" MEANS VISUAL OR AUDIO RECORDINGS OF
4 CRIMINAL PROCEEDINGS BY A MEDIA ORGANIZATION.

5 (5) "MEDIA ORGANIZATION" INCLUDES A NEWSGATHERING OR
6 EDUCATIONAL ENTITY THAT IS CAPABLE OF:

7 (I) ESTABLISHING A VISUAL OR AUDIO FEED WITH VISUAL OR
8 AUDIO EQUIPMENT PROVIDED BY THE COURT; OR

9 (II) PROVIDING ITS OWN VISUAL OR AUDIO EQUIPMENT FOR THE
10 PURPOSE OF PROVIDING MEDIA COVERAGE OR EDUCATIONAL RECORDINGS OF
11 CRIMINAL PROCEEDINGS.

12 (6) "PRESIDING JUDGE" MEANS:

13 (I) THE JUDGE DESIGNATED TO PRESIDE OVER A CRIMINAL
14 PROCEEDING FOR WHICH MEDIA COVERAGE IS REQUESTED; OR

15 (II) IF A JUDGE HAS NOT BEEN DESIGNATED TO PRESIDE OVER
16 A CRIMINAL PROCEEDING AT THE TIME A REQUEST FOR MEDIA COVERAGE OF THE
17 PROCEEDING WAS MADE, THE COUNTY ADMINISTRATIVE JUDGE OR THE
18 ADMINISTRATIVE JUDGE FOR THE DISTRICT WHERE THE CRIMINAL PROCEEDING IS
19 TO TAKE PLACE.

20 (7) "VISUAL OR AUDIO RECORDINGS" INCLUDES INFORMATION
21 OBTAINED THROUGH THE USE OF TELEVISION, RADIO, PHOTOGRAPHIC, OR
22 RECORDING EQUIPMENT PROVIDED BY THE COURT OR A MEDIA ORGANIZATION.

23 [(a)] (B) (1) Except as provided in subsection [(b)] (C) of this section, a person
24 may not record or broadcast any criminal matter, including a trial, hearing, motion, or
25 argument, that is held in trial court or before a grand jury.

26 (2) This prohibition applies to the use of television, radio, and photographic
27 or recording equipment.

28 [(b)] (C) Subsection [(a)] (B) of this section does not apply to the use of electronic
29 or photographic equipment approved by the court:

30 (1) to take the testimony of a child victim under § 11-303 of this article;
31 [or]

1 (2) to perpetuate a court record[.]; OR

2 (3) **TO RECORD OR BROADCAST MEDIA COVERAGE OF A CRIMINAL**
3 **SENTENCING HEARING IF, AT LEAST 24 HOURS BEFORE THE CRIMINAL SENTENCING**
4 **HEARING IS SCHEDULED TO BEGIN, THE MEDIA ORGANIZATION FILES WITH THE**
5 **CLERK OF THE COURT IN WHICH THE CRIMINAL SENTENCING HEARING IS TO BE**
6 **HELD A WRITTEN REQUEST THAT:**

7 (I) **IDENTIFIES THE CRIMINAL SENTENCING HEARING TO BE**
8 **COVERED;**

9 (II) **IDENTIFIES THE DATES OF MEDIA COVERAGE REQUESTED**
10 **BY THE MEDIA ORGANIZATION;**

11 (III) **DESCRIBES ANY POOLING ARRANGEMENTS MADE BY THE**
12 **MEDIA ORGANIZATION;**

13 (IV) **DESCRIBES THE EQUIPMENT TO BE USED BY THE MEDIA**
14 **ORGANIZATION; AND**

15 (V) **IDENTIFIES THE REPRESENTATIVES OF THE MEDIA**
16 **ORGANIZATION WHO WILL BE PRESENT DURING THE PROCEEDING.**

17 (D) (1) **ON RECEIPT OF A REQUEST TO PROVIDE MEDIA COVERAGE**
18 **UNDER SUBSECTION (C)(3) OF THIS SECTION, THE CLERK OF THE COURT SHALL**
19 **GIVE PROMPT NOTICE OF THE REQUEST TO EACH PARTY INVOLVED IN THE**
20 **CRIMINAL PROCEEDING.**

21 (2) **IN DECIDING TO GRANT OR DENY THE REQUEST, THE PRESIDING**
22 **JUDGE MAY CONSIDER:**

23 (I) **THE IMPORTANCE OF PROMOTING PUBLIC ACCESS TO THE**
24 **JUDICIAL SYSTEM;**

25 (II) **THE PRIVACY RIGHTS AND SECURITY OF MINORS,**
26 **WITNESSES, AND JURORS; AND**

27 (III) **THE MAINTENANCE OF ORDERLY CONDUCT DURING THE**
28 **CRIMINAL SENTENCING HEARING.**

29 (3) **THE PRESIDING JUDGE MAY:**

30 (I) **GRANT A REQUEST TO PROVIDE MEDIA COVERAGE THAT**

1 COMPLIES WITH THE REQUIREMENTS SET FORTH IN SUBSECTION (C)(3) OF THIS
2 SECTION;

3 (II) ORDER INTERESTED MEDIA ORGANIZATIONS TO MAKE
4 POOLING ARRANGEMENTS TO BROADCAST MEDIA COVERAGE TO PREVENT
5 INTERFERENCE WITH THE CONDUCT OF THE CRIMINAL SENTENCING HEARING; AND

6 (III) LIMIT MEDIA COVERAGE IN ANY MANNER AT ANY TIME
7 BEFORE OR DURING THE CRIMINAL SENTENCING HEARING AFTER MAKING A
8 FINDING OF FACT ON THE RECORD THAT, WITHOUT THE LIMITATION, THE MEDIA
9 COVERAGE WOULD:

10 1. DENY A DEFENDANT THE RIGHT TO A FAIR AND
11 IMPARTIAL TRIAL;

12 2. SUBSTANTIALLY COMPROMISE THE CIVIL RIGHTS OR
13 SAFETY OF A PARTY INVOLVED IN THE CRIMINAL PROCEEDING; OR

14 3. DISRUPT THE ACCESS TO INFORMATION BY OTHER
15 NEWS GATHERING ORGANIZATIONS.

16 (4) ON REQUEST OF A VICTIM, A PRESIDING JUDGE SHALL DENY A
17 REQUEST TO PROVIDE MEDIA COVERAGE UNDER SUBSECTION (C)(3) OF THIS
18 SECTION.

19 (5) A PRESIDING JUDGE MAY NOT GRANT A REQUEST FOR MEDIA
20 COVERAGE OF:

21 (I) A CRIMINAL PROCEEDING CLOSED TO THE PUBLIC BY LAW
22 OR JUDICIAL ORDER;

23 (II) A CRIMINAL SENTENCING HEARING, IF THE REQUEST FOR
24 MEDIA COVERAGE DOES NOT COMPLY WITH THE REQUIREMENTS SET FORTH IN
25 SUBSECTION (C)(3) OF THIS SECTION;

26 (III) EXCEPT FOR A SENTENCING HEARING, ANY CRIMINAL
27 MATTER, INCLUDING A TRIAL, A HEARING, A MOTION, OR AN ARGUMENT;

28 (IV) A GRAND JURY PROCEEDING;

29 (V) A JUVENILE PROCEEDING; OR

30 (VI) A CRIMINAL PROCEEDING RELATING TO A PROSECUTION OF

1 A SEXUAL CRIME UNDER TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE.

2 [(c)] (E) A person who violates this section may be held in contempt of court.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2022.