

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 758
(Senator Hayes, *et al.*)
Judicial Proceedings

Criminal Procedure - Live Video Streaming of Public Proceedings (The Judicial Transparency Act 2.0)

This bill requires the court to make available to the public live video streaming of all public proceedings for criminal cases involving a crime of violence under § 14-101 of the Criminal Law Article. However, a juror and an alleged victim of a sexual offense may not be visible in a live video streaming.

Fiscal Summary

State Effect: General fund expenditures increase by *at least* \$1.9 million in FY 2023 and by \$2.6 million annually thereafter. Revenues are not affected.

(\$ in millions)	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	1.9	2.6	2.6	2.6	2.6
Net Effect	(\$1.9)	(\$2.6)	(\$2.6)	(\$2.6)	(\$2.6)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Potential increase in circuit court expenditures, as discussed below. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: Section 1-201 of the Criminal Procedure Article generally prohibits a person from recording or broadcasting criminal proceedings in Maryland courts, either by

television, radio, photograph, or other recording equipment. Exceptions include recordings done to take the testimony of a victim of child abuse or to perpetuate a court record. Violators may be held in contempt of court.

Maryland Rule 16-605 authorizes extended coverage of a proceeding that is not prohibited under § 1-201 or is not closed to the public. Extended coverage, defined as media coverage or a recording for specified educational purposes, may not be permitted in a trial court unless all parties (with the exception of specific governmental entities) consent in writing or consent on the record in open court to the coverage. While a consenting party may not withdraw consent, any party may move to terminate or limit the coverage at any time. While the consent of all parties is not required for extended coverage in the appellate courts, a party may move to terminate or limit coverage at any time.

The Maryland Rules also contain provisions on restrictions on coverage of court proceedings and standards of conduct and technology for coverage of court proceedings.

State/Local Expenditures: The Judiciary estimates annual expenditures of approximately \$2.6 million for costs associated with equipment, licensing, and storage. State expenditures are assumed to increase by *at least* \$1.9 million in fiscal 2023, which accounts for the bill's October 1, 2022 effective date. Because local governments are responsible for the maintenance of circuit court structures, they may incur additional expenditures should any alterations or additional maintenance be needed to facilitate the live video streaming of court proceedings in the types of cases specified by the bill.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 1408 (Delegate Bridges) - Rules and Executive Nominations.

Information Source(s): Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Legislative Services

Fiscal Note History: First Reader - February 28, 2022
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Analysis by: Amy A. Devadas

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