

HOUSE BILL 133

D1
HB 647/22 – JUD

3lr0766

By: **Delegates Moon and Williams**

Introduced and read first time: January 13, 2023

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Court Proceedings – Remote Public Access and Participation**

3 FOR the purpose of requiring each court in the State to provide remote audio–visual public
4 access to all public court proceedings; authorizing remote participation in a court
5 proceeding by a nonparty; providing for the reporting and resolution of the
6 malfunctioning of an audio–visual public access system; and generally relating to
7 remote access to and participation in court proceedings.

8 BY repealing and reenacting, without amendments,
9 Article – Courts and Judicial Proceedings
10 Section 1–101(a) and (c)
11 Annotated Code of Maryland
12 (2020 Replacement Volume and 2022 Supplement)

13 BY adding to
14 Article – Courts and Judicial Proceedings
15 Section 1–206
16 Annotated Code of Maryland
17 (2020 Replacement Volume and 2022 Supplement)

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

20 **Article – Courts and Judicial Proceedings**

21 1–101.

22 (a) In this title the following words or terms have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) "Court" means the Court of Appeals, Court of Special Appeals, circuit court,
2 and District Court of Maryland, or any of them, unless the context clearly requires a
3 contrary meaning. It does not include an orphans' court, or the Maryland Tax Court.

4 **1-206.**

5 (A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION
6 AND SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, EACH COURT IN THE STATE
7 SHALL PROVIDE CONTEMPORANEOUS REMOTE AUDIO-VISUAL PUBLIC ACCESS TO
8 ALL PUBLIC COURT PROCEEDINGS THROUGH AN AUDIO-VISUAL PUBLIC ACCESS
9 SYSTEM.

10 (2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO A
11 PROCEEDING THAT IS DEEMED CLOSED, CONFIDENTIAL, OR RESTRICTED BY
12 FEDERAL OR STATE LAW.

13 (3) UNLESS THERE IS AN OVERRIDING PUBLIC INTEREST
14 COMPELLING DISCLOSURE, A PRESIDING JUDGE MAY PROHIBIT THE BROADCAST OF
15 ANY PORTION OF A PROCEEDING ON THE REQUEST OF ANY PARTY, WITNESS, OR
16 COUNSEL INVOLVED IN THE PROCEEDING.

17 (B) ON THE REQUEST OF COUNSEL AND FOR GOOD CAUSE SHOWN, A
18 PRESIDING JUDGE MAY AUTHORIZE THE USE OF THE COURT'S AUDIO-VISUAL
19 PUBLIC ACCESS SYSTEM TO ALLOW AN INDIVIDUAL WHO IS NOT A PARTY TO A
20 PROCEEDING TO PARTICIPATE IN THE PROCEEDING REMOTELY, INCLUDING BY
21 SPEAKING ON THE RECORD OR OFFERING TESTIMONY.

22 (C) (1) EACH COURT IN THE STATE SHALL DESIGNATE A PERSON OR
23 PERSONS TO RECEIVE AND RESPOND TO REPORTS DURING COURT PROCEEDINGS
24 THAT THE COURT'S AUDIO-VISUAL PUBLIC ACCESS SYSTEM IS MALFUNCTIONING.

25 (2) THE CONTACT INFORMATION, INCLUDING TELEPHONE NUMBER
26 AND E-MAIL ADDRESS, FOR THE PERSON OR PERSONS DESIGNATED UNDER
27 PARAGRAPH (1) OF THIS SUBSECTION SHALL BE PUBLISHED ON THE COURT'S
28 WEBSITE.

29 (3) ON REPORT OF ANY MALFUNCTION OF THE AUDIO-VISUAL PUBLIC
30 ACCESS SYSTEM, THE PERSON OR PERSONS RESPONSIBLE FOR THE SYSTEM SHALL
31 WORK EXPEDITIOUSLY TO RESOLVE THE MALFUNCTION.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2023.