

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 787

(Chair, Judiciary Committee)(By Request - Maryland
Judiciary)

Judiciary

Judicial Proceedings

Courts - State Reporter - Publication of Cases

This bill repeals a requirement for the State Reporter to secure a copyright for the State of Maryland for opinions of the Supreme Court of Maryland and the Appellate Court of Maryland designated for publication by the respective courts.

Fiscal Summary

State Effect: None. The bill reflects current practice by repealing an obsolete provision.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: The State Reporter, appointed by the Supreme Court of Maryland, is responsible for the publication and distribution of the official opinions of the Supreme Court of Maryland and the Appellate Court of Maryland. Opinions designated for publication must be published within six months of the decision in the case. Reported opinions filed since 1995 are available on the Judiciary’s [website](#). However, the Judiciary’s website specifies that only bound volumes of the Maryland Reports and Maryland Appellate Reports are considered the final, official texts of the opinions of the Supreme Court of Maryland and the Appellate Court of Maryland.

The Judiciary advises that the repealed language is obsolete. The U.S. Supreme Court in *Banks v. Manchester* held that federal copyright law does not apply to judicial opinions,

because the opinions constitute the authentic exposition and interpretation of the law that is binding on all citizens and free for publication to all. 128 U.S. 244, 253 (1888). The *Banks* case was recently affirmed by the U.S. Supreme Court in *Georgia et al. v. Public.Resource.Org, Inc.*, 500 U.S. 255, 259 (2020), where the court, applying the logic of *Banks*, held that the annotations in the Georgia code (*Official Code of Georgia Annotated*) are not subject to copyright protection.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 622 (Chair, Judicial Proceedings Committee)(By Request - Maryland Judiciary) - Judicial Proceedings.

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

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