

**MARYLAND JUDICIAL CONFERENCE**  
**OFFICE OF GOVERNMENT RELATIONS**

Hon. Joseph M. Getty  
Chief Judge

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** House Judiciary Committee  
**FROM:** Legislative Committee  
Suzanne Pelz  
410-260-1523  
**RE:** House Bill 607  
Courts and Judicial Proceedings – Grand Jury – Transcription of  
Testimony  
**DATE:** February 9, 2022  
(2/16)  
**POSITION:** Oppose

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The Maryland Judiciary opposes House Bill 607. This bill requires a jury judge for a county to order a court reporter to take and transcribe testimony given before a grand jury for the county.

It is unclear why the bill does not provide that the transcript would be provided “upon request” rather than requiring a judge to order this in every grand jury proceeding. Transcripts may not be needed in every case so it is unnecessary and inefficient to have these universally ordered.

This bill would also be difficult to implement as grand jury proceedings vary by jurisdiction. The minimum requirements for court reporters and transcribers is governed by the [Administrative Order Setting Minimum Requirements for Court Reporting and Transcription in Maryland Court](#). Grand jury proceedings are handled in the circuit court, with jurors in most jurisdictions serving 6-month terms. Staff court reporters are found in only two circuit court locations. Most courts use digital court recording equipment but not all jurisdictions record grand jury proceedings unless requested to do so; some hire a contractual court reporter when grand jury testimony is ordered by the court or a vendor; and in at least one location, the State’s Attorney provides and pays for the grand jury court reporter and transcription. In addition, with the COVID pandemic, some grand jury proceedings have been moved from the grand jury assembly room to allow for social distancing which causes challenges with recording.

This bill would have a large fiscal impact on the Judiciary with no funding mechanism. Not all courts routinely record grand jury proceedings unless requested by the State’s Attorney and ordered by the judge. Requiring all grand jury proceedings to be recorded and transcribed would require additional resources including recording equipment and possible positions which are not funded in this bill. The contractual services costs to

record and transcribe all grand jury testimony is estimated based on the cost to have the court reporter take the testimony at a fee of \$345 per docket. The transcript cost is estimated at \$3.00 per page and approximately 20 pages for each indictment (note: pages per indictment can vary widely depending on the case). There was an average of 11,582 indictments per fiscal year based on FY 2018 to FY 2021 data. Excluding the two courts that already provide a court reporter for grand jury proceedings, the total cost for court reporter contractual services is estimated to be \$221,145 per year. The total transcript cost is estimated to be \$711,090 per year based on statewide four-year average of indictments. The total cost in contractual services alone to the Judiciary is estimated to be \$932,235 per year. This does not include costs for portable Courtsmart machines which are \$15,000 each. This bill will have a significant fiscal and operational impact on the Judiciary.

It is also not clear what happens if the transcript is not ordered or provided. For example, would an individual have a right to a continuance?

cc. Hon. Debra Davis  
Judicial Council  
Legislative Committee  
Kelley O'Connor