



TESTIMONY TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE

SB 43 - Courts - Remote Public Access

POSITION: Favorable with Amendment

BY: Nancy Soreng – President

Date: January 25, 2023

The League of Women Voters of Maryland supports SB 43, which would require that courts provide remote audio-visual access to all public court proceedings except in specified situations.

The League of Women Voters believes that democratic government depends upon informed and active participation at all levels of government. The League further believes that governmental bodies must protect the citizen's right to know by giving adequate notice of proposed actions, holding open meetings, and making public records accessible. Except where the law requires that a proceeding be closed due to specific circumstances, the business of the courts should be conducted in public.

We note that SB 43 includes an exception for those rare instances where, at the request of a party or a witness, the judge determines that some portion of the proceeding should not be broadcast, unless there is an overriding public interest that compels disclosure. This will require the courts to determine the appropriate balance of the public's right to information about government decisions as well as the rights of litigants and witnesses in the particular circumstances of each case.

We also recognize that there are additional considerations, such as the need to exclude witnesses from the courtroom so that their testimony is not affected by the statements of other witnesses. Web broadcasting of proceedings may also increase the reluctance of some witnesses to testify. Accordingly, we recommend that the bill be amended to require a study on this issue and report to the General Assembly with recommendations.

The LWVMD strongly urges a favorable report on SB 43 with an amendment as noted.