



## Testimony for the Senate Judicial Proceedings Committee

January 25, 2023

### SB 43 - Courts - Remote Public Access

#### FAVORABLE

OLIVIA SPACCASI  
PUBLIC POLICY PROGRAM  
ASSOCIATE

AMERICAN CIVIL  
LIBERTIES UNION  
OF MARYLAND

3600 CLIPPER MILL ROAD  
SUITE 350  
BALTIMORE, MD 21211  
T/410-889-8555  
or 240-274-5295  
F/410-366-7838

WWW.ACLU-MD.ORG

OFFICERS AND DIRECTORS  
JOHN HENDERSON  
PRESIDENT

DANA VICKERS SHELLEY  
EXECUTIVE DIRECTOR

ANDREW FREEMAN  
GENERAL COUNSEL

The national American Civil Liberties Union and American Civil Liberties Union of Maryland urge a favorable report on SB 43, which would require each court in the state to provide remote audio-visual access to all public court proceedings, except under certain circumstances.

In order to adapt during the pandemic, Maryland courts, like many other entities, went virtual. Though necessitated by unfortunate circumstances, this was a positive step towards transparency and access in the state. Family members, partners, friends, and advocates could now attend hearings and show their support without major disruption to their days. The transition to virtual proceedings made a huge difference in accessibility for those caring for children, working a full-time job, or living in a different state. In April 2022, the courts returned to normal operations. While the courts are technically open to the public, there are many barriers to in person attendance. Should the legislature fail to ensure remote audio-visual access, Maryland risks a backslide in transparency and accountability.

The right of public access to court proceedings is enshrined in both the 1<sup>st</sup> Amendment and 6<sup>th</sup> Amendment of the Constitution. Public access to court proceedings allows the general public to ensure the justice system is functioning fairly and effectively, providing a check on potential abuses of power. Transparency in our courts encourages best practices on the part of the government, bolstering public trust. Additionally, public access to proceedings allows people to gain a better understanding of how the justice system operates.

The switch to remote proceedings had eliminated certain barriers to witnessing court proceedings, allowing individuals to fully enjoy the benefits of the 1<sup>st</sup> and 6<sup>th</sup> amendment. SB 43 would ensure that those



AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION

Maryland

barriers are eliminated permanently. Additionally, the bill would encourage individuals to stay home as we continue to navigate the ever-changing public health landscape.

For the foregoing reasons, we urge a favorable report on SB 43.