

**January 25, 2023**

**Testimony on SB 43  
Courts – Remote Public Access  
Judicial Proceedings**

**Position: Favorable**

Common Cause Maryland is in support of SB 43 which will ensure the public remote audio-visual access to all court proceedings not deemed closed, confidential, or restricted by either State or federal law.

In 2021, the Court of Appeals authorized virtual access to courtrooms in Maryland to facilitate the performance of core judicial functions during the pandemic. This represented a big win for transparency and accountability advocates, as virtual court access ensures that the public has safe, meaningful, affordable opportunities to observe our legal system at work.

While courts are technically “open” to the public, challenges associated with participation (including the cost and reliability of transportation, taking time off from work, child or elder care) are a barrier to entry that disproportionately affects low-income communities. Virtual access to the courts not only ensures that loved ones can be present to support defendants, victims, and witnesses in their proceedings, but will also likely foster more active civic engagement in the public as a whole.

HB 133 simply ensures that the public retains remote virtual access to all criminal and civil proceedings via live audio and video streaming unless otherwise exempted by law – judges will maintain full discretion to make the rare decision to restrict public access in accordance with State or federal law. The First and Sixth Amendments to the U.S. Constitution guarantee open public access to court proceedings. As meeting in virtual spaces becomes the norm in response to the pandemic, it is imperative that we ensure our right to public access is consistent with that change.

We urge a favorable report.