

HOUSE BILL 1143

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3lr2242

By: **Delegate Moon**

Introduced and read first time: February 10, 2023

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Recordings of Proceedings – Access**

3 FOR the purpose of requiring an authorized custodian of a recording of a court proceeding
4 to make available on request a copy of the recording; requiring the authorized
5 custodian to ensure that certain portions of a provided recording are redacted;
6 requiring the authorized custodian to make available unredacted recordings of
7 shielded or closed court proceedings to certain individuals; and generally relating to
8 access to recordings of court proceedings.

9 BY adding to
10 Article – Courts and Judicial Proceedings
11 Section 1–206
12 Annotated Code of Maryland
13 (2020 Replacement Volume and 2022 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Courts and Judicial Proceedings**

17 **1–206.**

18 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION AND**
19 **UNLESS OTHERWISE ORDERED BY THE COURT, THE AUTHORIZED CUSTODIAN OF AN**
20 **AUDIO OR AUDIO–VIDEO RECORDING OF A COURT PROCEEDING SHALL MAKE**
21 **AVAILABLE A COPY OF THE AUDIO RECORDING OR, IF PRACTICABLE, THE**
22 **AUDIO–VIDEO RECORDING TO ANY PERSON ON WRITTEN REQUEST.**

23 **(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION AND**
24 **UNLESS OTHERWISE ORDERED BY THE ADMINISTRATIVE JUDGE OF A COUNTY, THE**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



AUTHORIZED CUSTODIAN OF A RECORDING OF A COURT PROCEEDING SHALL ENSURE THAT ANY PORTION OF THE RECORDING THAT THE COURT HAS ORDERED SHIELDED FROM PUBLIC ACCESS AND INSPECTION IS REDACTED PRIOR TO PROVIDING A COPY OF THE RECORDING UNDER THIS SECTION.

(C) ON WRITTEN REQUEST, THE AUTHORIZED CUSTODIAN OF A RECORDING OF A CLOSED COURT PROCEEDING OR A RECORDING OF A COURT PROCEEDING FROM WHICH SHIELDED PORTIONS HAVE NOT BEEN REDACTED SHALL MAKE A COPY OF THE RECORDING AVAILABLE TO:

(1) THE CHIEF JUSTICE OF THE SUPREME COURT OF MARYLAND;

(2) THE ADMINISTRATIVE JUDGE OF A COUNTY;

(3) THE CIRCUIT ADMINISTRATIVE JUDGE HAVING SUPERVISORY AUTHORITY OVER A COURT;

(4) THE JUDGE WHO PRESIDED OVER THE PROCEEDING;

(5) THE COMMISSION ON JUDICIAL DISABILITIES OR, AT ITS DISCRETION, THE COMMISSION'S INVESTIGATIVE COUNSEL;

(6) BAR COUNSEL;

(7) UNLESS OTHERWISE ORDERED BY THE COURT, A PARTY TO THE PROCEEDING OR THE ATTORNEY FOR A PARTY;

(8) A STENOGRAPHER OR TRANSCRIPTION SERVICE DESIGNATED BY THE COURT FOR THE PURPOSE OF PREPARING AN OFFICIAL TRANSCRIPT OF THE PROCEEDING, PROVIDED THAT:

(I) THE TRANSCRIPT OF AN UNREDACTED PORTION OF A PROCEEDING, WHEN FILED WITH THE COURT, IS PLACED UNDER SEAL OR OTHERWISE SHIELDED BY ORDER OF THE COURT; AND

(II) THE TRANSCRIPT OF AN OTHERWISE CLOSED PROCEEDING OR A TRANSCRIPT CONTAINING UNREDACTED SAFEGUARDED PORTIONS IS NOT PREPARED FOR OR DELIVERED TO A PERSON OTHER THAN ONE LISTED IN THIS SUBSECTION; OR

(9) ANY OTHER PERSON AUTHORIZED BY THE ADMINISTRATIVE JUDGE OF A COUNTY.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2023.