

POLICY ON CELL PHONES AND OTHER ELECTRONIC DEVICES

Possession and Use of Electronic Devices

(1) *Generally*

Subject to inspection by court security personnel and the restrictions and prohibitions set forth in this section, a person may (A) bring an electronic device into a court facility and (B) use the electronic device for the purpose of sending and receiving phone calls and electronic messages and for any other lawful purpose not otherwise prohibited.

An electronic device means (A) a cell phone, a computer, and any other device that is capable of transmitting, receiving, or recording messages, images, sounds, data, or other information by electronic means or that, in appearance, purports to be a cell phone, computer, or such other device; and (B) a camera, regardless of whether it operates electronically, mechanically, or otherwise and regardless of whether images are recorded by using digital technology, film, light-sensitive plates, or other means.

(2) *Restrictions and Prohibitions*

NOTE: In addition to the following restrictions and prohibitions, each local administrative judge may impose certain restrictions on the possession and use of cell phones and other electronic devices in certain areas within the court facility as deemed necessary and appropriate for that jurisdiction. A notice outlining those restrictions will be posted in each courthouse when necessary.

(A) *Non-Disclosure to witnesses*

An electronic device may not be used to facilitate or achieve a violation of a court order concerning non-disclosure of information to a witness whom the court has excluded from a proceeding.

(B) *Photographs and Video*

Except as permitted by Maryland Rule or expressly permitted by the local administrative judge, a person may not (i) take or record a photograph, video, or other visual image in a court facility, or (ii) transmit a photograph, video, or other visual image from or within a court facility.

(C) *Interference with Court Proceedings or Work*

An electronic device shall not be used in a manner that interferes with court proceedings or the work of court personnel.

(D) *Jury Deliberation Room*

An electronic device may not be brought into a jury deliberation room

(E) *Courtroom*

(i) Except with the express permission of the presiding judge or as otherwise permitted by Maryland Rule, all electronic devices inside a courtroom shall remain off and no electronic device may be used to receive, transmit, or record sound, visual images, data, or other information.

(ii) Subject to section (F), the court shall liberally allow the attorneys in a proceeding currently being heard, their employees, and agents to make reasonable and lawful use of an electronic device in connection with the proceeding.

(F) Security or Privacy Issues in a Particular Case

Upon a finding that the circumstances of a particular case raise special security or privacy issues that justify a restriction on the possession of electronic devices, the local administrative judge or the presiding judge may enter an order limiting or prohibiting the possession of electronic devices in a courtroom or other designated areas of the court facility. The order shall provide for notice of the designated areas and for the collection of the devices and their return when the individual who possessed the device leaves the courtroom or other area. No liability shall accrue to the security personnel or any other court official or employee for any loss or misplacement of or damage to the device

(3) Violation of Rule

(1) Security personnel or other court personnel may confiscate and retain an electronic device that is used in violation of Maryland Rule 16-110, subject to further order of the court or until the owner leaves the building. No liability shall accrue to the security personnel or any other court official or employee for any loss or misplacement of or damage to the device.

(2) An individual who willfully violates the Maryland Rule on cell phone or other electronic device usage or any reasonable limitation imposed by the local administrative judge or the presiding judge may be found in contempt of court and sanctioned.