

# Circuit Court for St. Mary's County

## Policy Regarding Cell Phones; Other Electronic Devices; Cameras

### **Possession and Use of Electronic Devices**

Pursuant to Maryland Rule 16-208, beginning on June 1, 2016, and **subject to inspection by court security personnel**, a person may

#### **Rule 16-208(a) Definitions**

- “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 other such 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.

#### **Rule 16-208(b)(1) Possession and Use of Electronic Devices**

A person may

- bring an electronic device into the courthouse; and
- 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.

#### **Rule 16-208(b)(2) Restrictions and Prohibitions**

- Rule 5-615 Order on Exclusion of Witnesses

An electronic device may not be used to facilitate or achieve a violation of an order entered pursuant to Maryland Rule 5-615(d).

- Photographs and Video

Except as permitted in accordance with this Rule, Rules 16-502, 16-503, 16-504, or 16-603 16-110, Rule 16-109, or as 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.

- ❑ 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.

- ❑ Jury Deliberation Room

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

- ❑ Courtroom

Except with the express permission of the presiding judge or as otherwise permitted by this Rule. Rules 16-502, 16-503, 16-504, or 16-603, 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.

- ❑ Subject to subsection (b)(2)(F) of this Rule, the court shall liberally allow the attorneys in a proceeding currently being heard and persons associated with the attorney to make reasonable and lawful use of an electronic device in connection with the proceeding.
- ❑ 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 courthouse. 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.

#### **Rule 16-208(c) Violation of Rule**

- ❑ Security personnel or other court personnel may confiscate and retain an electronic device that is used in violation of this Rule, 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.
- ❑ An individual who willfully violates this Rule or any reasonable limitation imposed by the local administrative judge or the presiding judge may be found in contempt of court and sanctioned in accordance with the Rules in Title 15, Chapter 200.