

**IN THE
CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND**

Administrative Order

WHEREAS, pursuant to Maryland Rule 16-105 a Circuit Administrative Judge is responsible for the administration of the circuit court and the implementation and enforcement of all administrative polices and rules; and

WHEREAS, pursuant to Maryland Rule 16-208 a Circuit Administrative Judge is authorized to establish polices regarding the use of electronic devices in a court facility; and

WHEREAS, pursuant to Maryland Rule 16-208(a)(1) defines a “court facility” to include the entire building in which a circuit court is located; and

WHEREAS, pursuant to Maryland Rule 16-208(a)(2) defines an “electronic device” to mean:

(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.

“Electronic device” does not include court equipment used by judicial officials or personnel.

WHEREAS, the safety of those who work and visit a courthouse is of the utmost importance and is necessary for a Maryland court to provide fair, efficient, and effective justice for all.

NOW, THEREFORE, pursuant to Maryland Rules 16-105 and 16-208, it is this 5th day of September 2023,

ORDERED, effective September 5, 2023:

- Subject to inspection by court security personnel, a person may (A) bring an electronic device into the Circuit Court for Montgomery County, MD

and (B) use the electronic device for the purpose of sending and receiving phone calls and electronic messages.

- An electronic device shall not be used in a manner that interferes with court proceedings or the work of court personnel at the Circuit Court for Montgomery County, MD. Interference with court proceedings or the work of court personnel includes, but is not limited to, loud conversations on an electronic device in a hallway near the door to a courtroom or hearing room, or near a court employee's workstation.
- While within the court facility that houses the Circuit Court for Montgomery County, MD, a person **shall not** (i) take or record a photograph, video, or other visual image, or (ii) transmit a photograph, video, or other visual image from or within the courthouse. This prohibition includes still photography and moving visual images.
- Except with the express permission of the presiding judge or magistrate and except with the official recording of court proceedings, **all electronic devices inside a courtroom or hearing room shall remain off** and no electronic device may be used to receive, transmit, or record sound, visual images, data, or other information.
- An electronic device shall not be brought into a jury deliberation room after deliberations have begun.

and, it is further

ORDERED, that sheriff personnel or other court personnel may at any time confiscate and retain an electronic device that is used in violation of this Rule, subject to further order of the court; and pursuant to Rule 16-208(c), no liability shall accrue to the sheriff personnel or other court personnel for any loss or misplacement of or damage to the electronic device; and, it is further

ORDERED, an individual who willfully violates this Order, any provisions of Maryland Rule 16-208, or any reasonable limitation imposed by the local administrative judge or presiding judge, may be found in contempt of court and sanctioned in accordance with the Maryland Rules in Title 15, Chapter 200; and, it is further

ORDERED, subject to Maryland Rule 16-208 (b)(2)(F) of this Rule, the attorneys in a proceeding currently being heard, their employees, and their agents are permitted the reasonable and lawful use of an electronic device in connection with the proceeding provided that:

- the electronic device makes no audible sound;
- the electronic device is positioned so the screen is unseen by the trier of fact or any witness;
- the electronic device is not used to record any part of the proceeding; and
- the electronic device is not used to communicate with any other person during the proceeding without the express permission of the court;

and, it is further

ORDERED, that the administrative judge, presiding judge or magistrate, or court personnel conducting a ceremony, may grant permission to allow a photograph, video, or other visual image to be taken during a wedding, adoption, graduation, swearing-in, or similar ceremony taking place at the courthouse; and, it is further

ORDERED, the provisions of this Order do not apply to the office area of courthouse personnel, Sheriff's Office personnel, State's Attorney personnel, or other governmental agencies personnel whose offices are located within the courthouse; and, it is further

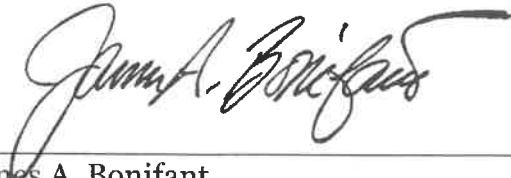
ORDERED, nothing in this Order is intended to restrict the general right of the news media to observe and report judicial proceedings; to that end, the news media is permitted to transmit still photography and moving visual images from the designated area on the first floor of the courthouse; and, it is further

ORDERED, that pursuant to Rule 16-208(b)(2)(F), upon a finding that the circumstances of a particular case raise special security or privacy issues that justify a restriction on the possession or use of electronic devices, the 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; and, it is further

ORDERED, that the Court Administrator for the Circuit Court for Montgomery County, MD is directed to post prominently a copy of this Administrative Order in the courthouse and include a copy in the Court's website; and, it is further,

ORDERED, that all prior Administrative Orders entered by this Court regarding electronic devices are hereby rescinded.

A handwritten signature in cursive script, reading "James A. Bonifant". The signature is written in black ink and is positioned above a horizontal line.

James A. Bonifant,
Administrative Judge,
Circuit Court for Montgomery County, MD