

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

SECOND REGULAR SESSION-1996

Legislative Document

No. 1868

H.P. 1360

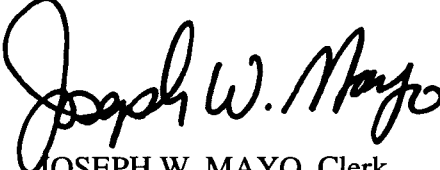
House of Representatives, March 19, 1996

**An Act to Prohibit the Photographing or Videotaping of Jury
Deliberations.**

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on Judiciary suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative LIBBY of Buxton.

Cosponsored by Representatives: ADAMS of Portland, BARTH of Bethel, CAMPBELL of Holden, DEXTER of Kingfield, HARTNETT of Freeport, JOYNER of Hollis, LaFOUNTAIN of Biddeford, LANE of Enfield, LAYTON of Cherryfield, LEMKE of Westbrook, LUMBRA of Bangor, NASS of Acton, O'NEAL of Limestone, PLOWMAN of Hampden, ROBICHAUD of Caribou, UNDERWOOD of Oxford, WHEELER of Bridgewater, Senators: HANLEY of Oxford, RAND of Cumberland.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4 Whereas, there is no public right of access to jury
6 deliberations; and

8 Whereas, it is uniformly recognized that juries function
best when there is a free, open and candid debate; and

10 Whereas, the presence of cameras or other electronic
12 recording devices in jury deliberation rooms could adversely
affect the free, open and candid debate of juries being filmed;
14 and

16 Whereas, this adverse affect would deprive litigants of
justice; and

18 Whereas, the Supreme Judicial Court recently decided to
20 allow CBS News to film jury deliberations in civil trials
occurring in Cumberland County by placing cameras in jury
22 deliberation rooms; and

24 Whereas, filming is planned to begin in May, prior to the
expiration of the 90-day period for nonemergency legislation; and

26 Whereas, in the judgment of the Legislature, these facts
28 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
30 necessary for the preservation of the public peace, health and
safety; now, therefore,

32 **Be it enacted by the People of the State of Maine as follows:**

34 **Sec. 1. 4 MRSA §122** is enacted to read:

36 **§122. Electronic recording of jury deliberations**

38 The recording or viewing of jury meetings or deliberations
40 by electronic means is prohibited. As used in this section,
42 "electronic means" includes, but is not limited to, still
44 photography, videotaping or audiotaping and direct live video or
audio feeds. A person who violates this section is guilty of a
Class E crime.

46 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

50 **STATEMENT OF FACT**

52 This bill prohibits the recording or viewing of jury
deliberations by electronic means.