

# SENATE BILL NO. 865

April 24, 2020, Introduced by Senator LUCIDO and referred to the Committee on Judiciary and Public Safety.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
(MCL 600.101 to 600.9947) by adding section 1746.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           **Sec. 1746. (1) Except as otherwise provided in this section,**  
2 **an individual may possess and use a portable electronic device in a**  
3 **courthouse.**

4           **(2) This section is subject to the authority of the court,**  
5 **clerks of the court, and court administrators to limit or terminate**  
6 **any activity that disrupts court operations, compromises courthouse**

1 security, or is contrary to the administration of justice.

2 (3) An individual shall not use a portable electronic device  
3 to photograph, record, broadcast, or live stream any juror or  
4 anyone called to the court for jury service. An individual may use  
5 a portable electronic device to photograph, record, broadcast, or  
6 live stream in a courthouse only as follows:

7 (a) In a courtroom if allowed by the presiding judge.

8 (b) In areas of the courthouse other than a courtroom with an  
9 individual's express prior consent to the photographing, recording,  
10 broadcasting, or live streaming of the individual.

11 (4) Subject to subsection (3), the court may adopt additional,  
12 reasonable limits on an individual's ability to photograph, record,  
13 broadcast, or live stream in a courthouse by local administrative  
14 order.

15 (5) A juror or prospective juror may possess and use a  
16 portable electronic device, subject to the following limitations:

17 (a) A portable electronic device must be turned off while  
18 present in a courtroom.

19 (b) If the court provides jurors with a phone number where the  
20 jurors can be reached in an emergency during deliberations, the  
21 court may require jurors to turn over their portable electronic  
22 device to the court during deliberations.

23 (6) A witness may possess and use a portable electronic  
24 device, subject to the following limitations:

25 (a) A portable electronic device must be silenced while in a  
26 courtroom.

27 (b) A portable electronic device may only be used by a witness  
28 while he or she is testifying with permission of the presiding  
29 judge.

1           (7) An individual shall not use a portable electronic device  
2 to communicate in any way with any courtroom participant including,  
3 but not limited to, a party, a witness, or a juror at any time  
4 during any court proceeding.

5           (8) An attorney, party, or member of the public may use  
6 portable electronic devices for the following purposes:

7           (a) In a courtroom to retrieve or to store information,  
8 including note taking, to access the internet, and to send and  
9 receive text messages or information, if all audible sounds have  
10 been silenced.

11           (b) In a courtroom to make or to receive telephone calls or  
12 for any other audible function while court is in session, with  
13 permission of the presiding judge.

14           (c) In a clerk's office to reproduce a public court document,  
15 if the device leaves no mark or impression on the document and does  
16 not unreasonably interfere with the operation of the clerk's  
17 office.

18           (9) The court shall use reasonable means, including posting  
19 the notice on the website, to advise courthouse visitors of the  
20 requirements of this section.

21           (10) This section does not modify or supersede the guidelines  
22 for media coverage of court proceedings set forth by supreme court  
23 administrative order, Administrative Order No. 1989-1.

24           (11) A violation of this section is punishable by sanctions as  
25 determined by the court, including, but not limited to:

26           (a) Contempt of court under this chapter.

27           (b) Confiscation of the portable electronic device from an  
28 individual for a time period not to exceed the remainder of the  
29 court day.

1 (c) An order that the portable electronic device be turned  
2 off, put in a location as determined by the court, or both.

3 (12) As used in this section:

4 (a) "Courthouse" includes, but is not limited to, all  
5 courtrooms, areas within the exterior walls of a court building, or  
6 if the court does not occupy the entire building, that portion of  
7 the building used for the administration and operation of the  
8 court, and areas outside a court building where a judge conducts an  
9 event concerning a court case.

10 (b) "Courtroom" means the portion of a courthouse where  
11 judicial proceedings take place.

12 (c) "Portable electronic device" means a mobile device capable  
13 of electronically storing, accessing, or transmitting information,  
14 including, but not limited to a transportable computer of any size,  
15 including a tablet, notebook, and laptop, a smart phone, cell  
16 phone, or other wireless phone, a camera, audio or video recording  
17 devices, a personal digital assistant, other devices that provide  
18 internet access, and any similar item.

19 Enacting section 1. This amendatory act takes effect 90 days  
20 after the date it is enacted into law.