

§457. Open pretrial criminal proceeding

1. Definition of pretrial proceeding. As used in this section, the term "pretrial proceeding" means an appearance before the court at which both parties are present and motions are heard, witnesses testify or evidence is presented, when the appearance occurs after the beginning of the initial appearance of the accused and before the swearing in of the jury or, in a jury waived trial, before the calling of the first witness.

[PL 1979, c. 665 (NEW).]

2. Open proceedings. Except as provided by statute, the general public may not be excluded from a pretrial criminal proceeding at which the court hears a motion to exclude evidence from trial, unless the court finds a substantial likelihood that:

A. Injury or damage to the accused's right to a fair trial will result from conducting the proceeding in public; [PL 1979, c. 665 (NEW).]

B. Alternatives to closure will not protect the accused's right to a fair trial; and [PL 1979, c. 665 (NEW).]

C. Closure will protect against the perceived injury or damage. [PL 1979, c. 665 (NEW).]

[PL 1979, c. 665 (NEW).]

3. Exceptions. Nothing in this section may be construed:

A. To limit the powers of courts to maintain decorum by ordering unruly spectators removed from the courtroom, by reasonably limiting the number of spectators or by exercising similar powers of judges at common law; or [PL 1979, c. 665 (NEW).]

B. To require that a proceeding to determine the validity of a claim of evidentiary privilege as provided by the Maine Rules of Evidence be open to the public. [PL 1979, c. 665 (NEW).]

[PL 1979, c. 665 (NEW).]

SECTION HISTORY

PL 1979, c. 665 (NEW).

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