

Rule 55.1. Access to Court Records in Criminal Cases

(a) Court records in criminal cases are presumed to be accessible to the public. Unless a court record or any part of a court record is otherwise inaccessible to the public pursuant to statute, rule, regulation, chief justice directive, or court order, the court may deny the public access to a court record or to any part of a court record only in compliance with this rule.

(1) **Motion Requesting to Limit Public Access.** A party may file a motion requesting that the court limit public access to a court record or to any part of a court record by making it inaccessible to the public or by allowing only a redacted copy of it to be accessible to the public. A party seeking to limit public access to a court record or to any part of a court record must file a motion pursuant to this rule and serve it on any opposing party. An opposing party must file any response within 7 days after service of the motion unless otherwise directed by the court. The body of the motion, the body of any response(s), and the body of any accompanying materials shall be inaccessible to the public until otherwise ordered by the court. The court may sua sponte make a court record inaccessible to the public or order that only a redacted copy of it be accessible to the public. If the court does so, it must notify the parties and comply with paragraphs (a)(5), (a)(6), (a)(7), (a)(8), and (a)(9) of this rule. In its discretion, the court may hold a hearing before sua sponte ordering a court record or any part of a court record inaccessible to the public.

(2) **Contents of the Motion.** A motion to limit public access shall identify the court record or any part of the court record that the moving party wishes to make inaccessible, state the reasons for the request, and specify how long the information identified should remain inaccessible to the public.

(3) **Limited Access to Records Already Filed.** A party may file a motion requesting that the court limit public access to a court record already filed or to any part of that court record by making it inaccessible to the public or by allowing only a redacted copy of it to be accessible to the public. Such a motion must be served on any opposing party. Upon receiving the motion, the court shall immediately make the subject court record inaccessible to the public until otherwise ordered by the court. The body of the motion, the body of any response(s), and the body of any accompanying materials shall also be inaccessible to the public until otherwise ordered by the court. After being fully apprised of the circumstances, the court shall resolve the motion in accordance with the provisions of this rule.

(4) **Hearing.** The court may conduct a hearing on a motion to limit public access. Notice of the hearing shall be provided to the parties. The hearing shall be closed to the public, unless the court in its discretion determines otherwise.

(5) When Request Granted. The court shall not make a court record or any part of a court record inaccessible to the public pursuant to this rule without a written order. When a request to limit public access is granted, the court's order shall:

(A) specifically identify one or more substantial interests served by making the court record inaccessible to the public or by allowing only a redacted copy of it to be accessible to the public;

(B) explain how taking such action serves the interest(s) identified;

(C) explain why there would be a substantial probability of harm to the interest(s) identified;

(D) find that no less restrictive means than making the record inaccessible to the public or allowing only a redacted copy of it to be accessible to the public exists to achieve or protect the identified interest(s); and

(E) conclude that the identified interest(s) outweigh(s) the right of public access to the court record or to an unredacted copy of it.

(6) Duration. Any order limiting public access to a court record or to any part of a court record shall indicate how long the order will remain in effect.

(7) Access to the Court's Order. The court's order limiting access to a court record or to any part of a court record pursuant to this rule shall be accessible to the public, except that any information deemed inaccessible under this rule shall be redacted from the order.

(8) Review. The court shall review any order issued pursuant to this rule at the time of the expiration of the order or earlier upon motion of one of the parties. The court may postpone the expiration date of the order issued pursuant to this rule if it determines that the findings previously made under paragraph (a)(5) of this rule continue to apply or if it makes new findings under paragraph (a)(5) of this rule justifying postponement of the expiration date.

(9) Access to the Original Court Record. If a court limits access to a court record or to any part of a court record pursuant to this rule, only the court, the court's staff, authorized Judicial Department staff, the parties to the case, and the attorneys of record and their agents shall have access to the original court record.

(10) Effective Date. This rule shall be effective on _____.

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