



MEMO OF SUPPORT

S160 (Hoylman-Sigal) / A712 (Weprin)

Authorizes the use of cameras in New York State's appellate and trial courts

April 18, 2023

TITLE OF BILL

An act to amend the judiciary law, in relation to audio-visual coverage of judicial proceedings; and to repeal section 218 of the judiciary law and section 52 of the civil rights law relating thereto.

SUMMARY OF PROVISIONS

Section 1 repeals and replaces Section 218 of the Judiciary law, which authorized an “experimental” program for cameras in courtrooms that expired in 1997, to permanently authorize audio-visual (AV) recordings in judicial proceedings through the following framework:

- Free livestreaming of judicial proceedings would be provided by the Office of Court Administration (funding would need to be appropriated by the Legislature to accomplish this). Video feeds would be accessible from a publicly available website, with archived video of all recordings.
- Use of AV equipment would be subject to the following requirements:
 - At least two compact video cameras must be allowed, with one camera person each.
 - Not more than two still photographers would be allowed, using not more than two cameras each.
 - Movement of cameras would be restricted, with designated areas for setup.
 - Not more than one audio system for radio broadcasts would be allowed.
 - Pooling (having one member of the media share their coverage with other outlets) would be the responsibility of the media.
 - Use of additional lighting paid for by the media must be approved by the judge.
- Presiding judges may exercise “sound discretion” to prohibit filming or photographing of particular participants with the following requirements:
 - An order restricting AV coverage must be in writing and part of the court record.
 - The order must state good cause as to why the effect of AV coverage upon the individual is qualitatively different from other members of the public, or from other media coverage (i.e., different than coverage by print media).
 - Before prohibiting AV coverage, the presiding judge must first consider the use of delayed, modified, or still AV coverage.

- Conferences by counsel with their clients or the judge at the bench may not be recorded or broadcast to protect attorney-client privilege and right to effective counsel.
- AV coverage shall not be admissible as evidence in the proceeding or related cases/appeals.
- No recordings can take place when the courtroom is closed.

Section 2 repeals section 52 of the civil rights law.

Section 3 makes a technical amendment to subdivision 5 of section 751 of the judiciary law.

Section 4 sets the effective date as 90 days after becoming law.

STATEMENT OF SUPPORT

Reinvent Albany supports this legislation and allowing cameras in the courtroom because it would substantially increase the transparency of court proceedings and bring New York in line with the practices of nearly all other states. [According to the Fund for Modern Courts](#), New York is an “extreme outlier among the states” as one of only three jurisdictions that ban cameras in trial court proceedings, along with Louisiana and the District of Columbia (D.C. has a blanket ban for *all* local court proceedings at the trial and appellate levels). Forty-eight other states allow audio-video coverage of trial and appellate court proceedings, though the rules and conditions for cameras vary.

We also strongly support the requirement that livestreaming of court proceedings be provided by the Office of Court Administration, with archived video provided on a public website. Currently, only the [state of Michigan livestreams](#) nearly all court proceedings throughout the state, [according to the Fund for Modern Courts](#). If passed and fully funded, this legislation would make New York a national leader in courtroom transparency.

While Reinvent Albany would prefer to have as few exceptions as possible to allowing cameras in New York’s courtrooms, the legislation provides a framework for prohibiting filming of particular individuals that is similar to many other states that allow cameras in courtrooms.

We urge the Legislature to pass this bill and monitor its implementation to ensure that it allows for the greatest amount of public access, while balancing the need for safety and fairness for those participating in court proceedings.