



## MEMO OF SUPPORT

### S160-A (Hoylman-Sigal) / A712-A (Weprin)

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

May 17, 2024

#### **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 live-streaming 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.
- The following shall be permitted in trial or appellate court proceedings:
  - At least two compact video cameras must be allowed, each operated by not more than one camera person.
  - At least one still photographer, using not more than two cameras each.
  - At least one audio system for radio broadcasts would be allowed.
  - Additional equipment or personnel shall be up to the judge.
  - Pooling (having one member of the media share their coverage with other outlets) would be the responsibility of the media.
- Video and audio equipment that produces disorienting sound or light, as well as artificial lighting equipment, shall be prohibited.

- Video and photography equipment shall be positioned in locations designated by the chief administrative judge of the court.
- Equipment shall not be placed in or removed from the courts except before or after proceedings, or during recess.
- Use of additional lighting paid for by the media must be approved by the judge.
- 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.
- 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.
  - A presumption of good cause shall exist with respect to minors’ testimony.
- No recordings can take place when the courtroom is closed.
- Reviews of orders restricting audio-visual coverage shall be expedited.
- The provisions of this section shall supersede any provision to the contrary in certain court rules.

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 because allowing cameras in the courtroom 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.