S T A T E O F N E W Y O R K

4490

2013-2014 Regular Sessions

I N S E N A T E

April 3, 2013

Introduced by Sen. NOZZOLIO -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the civil rights law and the judiciary law, in relation to broadcast of judicial proceedings; and to repeal section 218 of the judiciary law relating to audio-visual coverage of judicial proceedings

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 52 of the civil rights law, as amended by chapter 352 of the laws of 1976, is amended to read as follows:

S 52. Televising, broadcasting or taking motion pictures of certain proceedings prohibited. No person, firm, association or corporation shall televise, broadcast, take motion pictures or arrange for the televising, broadcasting, or taking of motion pictures within this state of proceedings, in which the testimony of witnesses by subpoena or other compulsory process is or may be taken, conducted by a court, commission, committee, administrative agency or other tribunal in this state; except that the prohibition contained in this section shall not apply to THE AUDIO BROADCAST OF ANY PROCEEDING CONDUCTED BY A COURT, TO ANY TELEVISING, BROADCASTING OR TAKING OF MOTION PICTURES OF THAT PORTION OF A COURT PROCEEDING AT WHICH NO WITNESS WILL TESTIFY, AND TO ANY TELEVISING, BROADCASTING OR TAKING OF MOTION PICTURES OF THAT PORTION OF A COURT PROCEEDINGS AT WHICH A WITNESS WILL TESTIFY WHERE ALL PARTIES TO SUCH PROCEEDING AND THE WITNESS CONSENT IN ADVANCE TO SUCH TELEVISING, BROADCASTING OR TAKING OF MOTION PICTURES OF HIS OR HER TESTIMONY OR, IF SUCH CONSENT IS NOT GIVEN, WHERE THE IMAGE OF THE WITNESS WHILE TESTIFYING IS VISUALLY OBSCURED OR TO public hearings conducted by the public service commission with regard to rates charged by utilities, or to proceedings by either house of the state legislature or committee or joint committee of the legislature or by a temporary state commission

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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which includes members of the legislature, so long as any testimony of witnesses which is taken is taken without resort to subpoena or other compulsory process, if (1) the consent of the temporary president of the senate or the speaker of the assembly, in the case of the respective houses of the state legislature, or the [chairman] CHAIR, in the case of such a committee or commission, and a majority of the members thereof present at such proceedings, shall have been first obtained, provided, however, that in the case of the public rate hearings of the public service commission, it shall be sufficient to obtain the consent of the presiding officer, (2) the written consent of the witness testifying at the time shall have been obtained, prior to the time of his OR HER testifying, and (3) it has been determined by such presiding officer or [chairman] CHAIR and such majority of the members that it is in the public interest to permit the televising, broadcasting or taking of motion pictures.

Any violation of this section shall be a misdemeanor.

S 2. Subdivision 1 of section 212 of the judiciary law is amended by adding a new paragraph (w) to read as follows:

(W) PROMULGATE RULES AND REGULATIONS PERMITTING AUDIO-VISUAL COVERAGE OF CIVIL AND CRIMINAL COURT PROCEEDINGS, INCLUDING TRIALS, IN THE DISCRETION OF THE COURT; PROVIDED THAT THE CHIEF ADMINISTRATOR SHALL AFFORD ALL INTERESTED PERSONS, AGENCIES AND INSTITUTIONS AN OPPORTUNITY TO REVIEW AND COMMENT UPON SUCH RULES AND REGULATIONS PRIOR TO THEIR PROMULGATION, AND PROVIDED THAT SUCH RULES AND REGULATIONS SHALL BE CONSISTENT WITH PROVISIONS OF SECTION FIFTY-TWO OF THE CIVIL RIGHTS LAW AND SHALL INCLUDE PROVISIONS TO ENSURE THAT AUDIO-VISUAL COVERAGE OF COURT PROCEEDINGS SHALL NOT INTERFERE WITH THE DECORUM AND DIGNITY OF COURTROOMS AND COURT FACILITIES.

S 3. Section 218 of the judiciary law is REPEALED.

S 4. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.