

2046

2009-2010 Regular Sessions

I N S E N A T E

February 11, 2009

Introduced by Sen. DeFRANCISCO -- read twice and ordered printed, and
when printed to be committed to the Committee on Judiciary

AN ACT to amend the judiciary law, in relation to mechanical recording
of testimony

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

- 1 Section 1. The judiciary law is amended by adding a new section 290-a
2 to read as follows:
3 S 290-A. MECHANICAL RECORDING OF TESTIMONY. 1. NOTWITHSTANDING ANY
4 OTHER PROVISION OF LAW, THE CHIEF ADMINISTRATOR OF THE COURTS MAY DIRECT
5 THE USE OF MECHANICAL RECORDING OF TESTIMONY AND OF OTHER PROCEEDINGS IN
6 EACH CASE, IN LIEU OF THE TAKING OF STENOGRAPHIC NOTES THEREOF, EXCEPT
7 FOR THE COURTS SET FORTH IN SUBDIVISION TWO OF THIS SECTION.
8 2. THE FOLLOWING COURTS SHALL BE PROHIBITED FROM USING MECHANICAL
9 RECORDING OF TESTIMONY:
10 (A) NEW YORK CITY SUPREME COURTS CIVIL TERM;
11 (B) NEW YORK CITY SUPREME COURTS CRIMINAL TERM;
12 (C) NEW YORK STATE SUPREME COURTS OUTSIDE THE CITY OF NEW YORK;
13 (D) NEW YORK COUNTY COURTS;
14 (E) NEW YORK STATE DISTRICT COURTS, CRIMINAL AND CIVIL JURY TRIALS;
15 (F) NEW YORK STATE FAMILY COURTS, DELINQUENCY CASES;
16 (G) NEW YORK CITY CIVIL AND CRIMINAL COURTS;
17 (H) CITY COURTS OUTSIDE THE CITY OF NEW YORK;
18 (I) SURROGATE COURTS, HEARING AND TRIAL PARTS.
19 3. IN THE EVENT THERE ARE NO TRANSFER OR REASSIGNMENT REQUESTS, AND NO
20 VIABLE ELIGIBLE LIST OF STENOTYPE COURT REPORTERS FROM WHICH TO CANVASS,
21 THEN AN EMPLOYMENT ANNOUNCEMENT SHALL BE ISSUED TO FILL THE POSITION ON
22 A PROVISIONAL OR PER DIEM BASIS. ONLY THEN, WHEN SUCH REMEDIES ARE
23 EXHAUSTED AND NO STENOTYPE COURT REPORTERS ARE AVAILABLE, MAY MECHANICAL
24 RECORDING OF TESTIMONY BE USED.

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

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1 4. THE CHIEF ADMINISTRATOR OF THE COURTS SHALL SUBMIT A REPORT TO THE
2 LEGISLATURE NO LATER THAN MARCH THIRTY-FIRST, TWO THOUSAND TEN AND ANNU-
3 ALLY THEREAFTER. SUCH ANNUAL REPORT TO THE LEGISLATURE SHALL INCLUDE:
4 THE TYPES OF TRIAL COURT PROCEEDINGS IN WHICH MECHANICAL RECORDING IS
5 USED THROUGHOUT THE UNIFIED COURT SYSTEM; AN AUDIT OF ALL ELECTRONIC
6 RECORDING TRANSCRIBERS; AND ALL PURCHASES AND LEASES OF ELECTRONIC
7 RECORDING EQUIPMENT THAT SHALL BE USED TO RECORD ALL JUDICIAL
8 PROCEEDINGS.

9 S 2. This act shall take effect immediately.