

5851

2013-2014 Regular Sessions

I N   A S S E M B L Y

March 7, 2013

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Introduced by M. of A. WEINSTEIN -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Judiciary

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:

1     Section 1. Section 52 of the civil rights law, as amended by chapter  
2     352 of the laws of 1976, is amended to read as follows:  
3     S 52. Televising, broadcasting or taking motion pictures of certain  
4     proceedings prohibited. No person, firm, association or corporation  
5     shall televise, broadcast, take motion pictures or arrange for the tele-  
6     vising, broadcasting, or taking of motion pictures within this state of  
7     proceedings, in which the testimony of witnesses by subpoena or other  
8     compulsory process is or may be taken, conducted by a court, commission,  
9     committee, administrative agency or other tribunal in this state; except  
10    that the prohibition contained in this section shall not apply to THE  
11    AUDIO BROADCAST OF ANY PROCEEDING CONDUCTED BY A COURT, TO ANY TELEVIS-  
12    ING, BROADCASTING OR TAKING OF MOTION PICTURES OF THAT PORTION OF A  
13    COURT PROCEEDING AT WHICH NO WITNESS WILL TESTIFY, AND TO ANY TELEVIS-  
14    ING, BROADCASTING OR TAKING OF MOTION PICTURES OF THAT PORTION OF A  
15    COURT PROCEEDINGS AT WHICH A WITNESS WILL TESTIFY WHERE ALL PARTIES TO  
16    SUCH PROCEEDING AND THE WITNESS CONSENT IN ADVANCE TO SUCH TELEVISING,  
17    BROADCASTING OR TAKING OF MOTION PICTURES OF HIS OR HER TESTIMONY OR, IF  
18    SUCH CONSENT IS NOT GIVEN, WHERE THE IMAGE OF THE WITNESS WHILE TESTIFY-  
19    ING IS VISUALLY OBSCURED OR TO public hearings conducted by the public  
20    service commission with regard to rates charged by utilities, or to  
21    proceedings by either house of the state legislature or committee or  
22    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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1 which includes members of the legislature, so long as any testimony of  
2 witnesses which is taken is taken without resort to subpoena or other  
3 compulsory process, if (1) the consent of the temporary president of the  
4 senate or the speaker of the assembly, in the case of the respective  
5 houses of the state legislature, or the [chairman] CHAIR, in the case of  
6 such a committee or commission, and a majority of the members thereof  
7 present at such proceedings, shall have been first obtained, provided,  
8 however, that in the case of the public rate hearings of the public  
9 service commission, it shall be sufficient to obtain the consent of the  
10 presiding officer, (2) the written consent of the witness testifying at  
11 the time shall have been obtained, prior to the time of his OR HER  
12 testifying, and (3) it has been determined by such presiding officer or  
13 [chairman] CHAIR and such majority of the members that it is in the  
14 public interest to permit the televising, broadcasting or taking of  
15 motion pictures.

16 Any violation of this section shall be a misdemeanor.

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

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

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

30 S 4. This act shall take effect on the first of January next succeed-  
31 ing the date on which it shall have become a law.