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

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I N A S S E M B L Y

May 20, 2014

Introduced by M. of A. WEINSTEIN -- read once and referred to the Committee on Judiciary

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

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

Section 1. The judiciary law is amended by adding a new section 290-a to read as follows:

S 290-A. MECHANICAL RECORDING OF TESTIMONY AND PROCEEDINGS. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE CHIEF ADMINISTRATOR OF THE COURTS MAY DIRECT THE USE OF MECHANICAL RECORDING OF TESTIMONY AND OF OTHER PROCEEDINGS IN EACH CASE, IN LIEU OF THE TAKING OF STENOGRAPHIC NOTES THEREOF, EXCEPT FOR THE COURTS SET FORTH IN SUBDIVISION TWO OF THIS SECTION. TRANSCRIPTS PROVIDED BY ELECTRONIC RECORDING TRANSCRIBERS SHALL COMPLY WITH OFFICE OF COURT ADMINISTRATOR TRANSCRIPT FORMATS AND BE GOVERNED BY COURT REPORTER TRANSCRIPT FEES AS PROMULGATED BY THE OFFICE OF COURT ADMINISTRATION. NO MINIMUM FEES SHALL BE CHARGED FOR SAID TRANSCRIPTS.

2. THE FOLLOWING COURTS SHALL BE PROHIBITED FROM USING MECHANICAL RECORDING OF TESTIMONY AND PROCEEDINGS:

(A) NEW YORK CITY SUPREME COURTS CIVIL TERM;
(B) NEW YORK CITY SUPREME COURTS CRIMINAL TERM;
(C) NEW YORK STATE SUPREME COURTS OUTSIDE THE CITY OF NEW YORK;
(D) NEW YORK COUNTY COURTS;
(E) COURT OF CLAIMS;
(F) NEW YORK STATE DISTRICT COURTS, CRIMINAL AND CIVIL JURY TRIALS;
(G) NEW YORK STATE FAMILY COURTS;
(H) NEW YORK CITY CIVIL AND CRIMINAL COURTS;
(I) CITY COURTS OUTSIDE THE CITY OF NEW YORK;
(J) SURROGATE COURTS, HEARING AND TRIAL PARTS.

3. IN THE EVENT THERE ARE NO TRANSFER OR REASSIGNMENT REQUESTS, AND NO VIABLE ELIGIBLE LIST OF STENOTYPE COURT REPORTERS FROM WHICH TO CANVASS, THEN AN EMPLOYMENT ANNOUNCEMENT SHALL BE ISSUED TO FILL THE POSITION ON A PROVISIONAL OR PER DIEM BASIS. ONLY THEN, WHEN SUCH REMEDIES ARE

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

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EXHAUSTED AND NO STENOTYPE COURT REPORTERS ARE AVAILABLE, MAY MECHANICAL RECORDING OF TESTIMONY AND PROCEEDINGS BE USED.

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

S 2. This act shall take effect immediately.