

STATE OF NEW YORK

1518

2025-2026 Regular Sessions

IN ASSEMBLY

January 10, 2025

Introduced by M. of A. WEPRIN, CRUZ, PAULIN, BURDICK, SEPTIMO, HEVESI, SIMON, SIMONE, BICHOTTE HERMELYN, SHIMSKY, GLICK, TAPIA, COOK, McMAY, HON, DAVILA -- read once and referred to the Committee on Judiciary

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

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 218 of the judiciary law is REPEALED and a new
2 section 218 is added to read as follows:

3 § 218. Audio-visual coverage of judicial proceedings. 1. Authori-
4 zation. Subject to the authority of the judge or justice presiding over
5 the proceeding to exercise sound discretion to prohibit or limit filming
6 or photographing of particular participants in judicial proceedings to
7 ensure safety and the fair administration of justice, audio-visual and
8 still photography coverage of public judicial proceedings in the appel-
9 late and trial courts of this state shall be allowed in accordance with
10 this section.

11 2. Definitions. For purposes of this section, the following terms
12 shall have the following meanings:

13 (a) "Proceeding" shall mean any action or proceeding heard in a court
14 of competent jurisdiction in this state.

15 (b) "Media" shall mean any news reporting or news gathering agency and
16 any employee or agent associated with such agency, including television,
17 radio, radio and television networks, news services, newspapers, maga-
18 zines, trade papers, in-house publications, professional journals or any
19 other news reporting or news gathering agency, the function of which is
20 to inform the public, or some segment thereof.

21 3. Equipment and personnel. The following shall be permitted in any
22 trial court or appellate court proceeding other than a matrimonial
23 proceeding or a proceeding in family court:

24 (a) At least one compact video camera, operated by no more than one
25 camera person. Additional permitted cameras shall be within the sole

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

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1 discretion and authority of the judge or justice presiding over the
2 proceeding.

3 (b) Not more than one audio system for radio broadcast purposes.
4 Audio pickup for all media purposes shall be provided by existing audio
5 systems present in the courtroom. If no technically suitable audio
6 system exists in the courtroom, microphones and related wiring essential
7 for media purposes shall be permissible provided they are unobtrusive
8 and shall be located in places designated in advance of any proceeding
9 by the judge or justice presiding over the proceeding. In the event
10 that the courtroom has existing cameras suitable for audio-visual cover-
11 age, upon request the judge or justice presiding over the proceeding
12 shall have sole discretion to provide a media feed from such cameras
13 instead of allowing video cameras in the courtroom.

14 (c) Additional permitted equipment or personnel shall be within the
15 sole discretion and authority of the judge or justice presiding over the
16 proceeding. All costs of all audio and visual coverage shall be borne
17 by the entity seeking to provide such coverage.

18 (d) Any pooling arrangements among members of the media concerning
19 equipment and personnel shall be the sole responsibility of such members
20 without calling upon the judge or justice presiding over the proceeding
21 to mediate any dispute as to the appropriate media representative or
22 equipment authorized to cover a particular proceeding. In the absence of
23 advance media agreement concerning disputed equipment or personnel
24 issues, the judge or justice presiding over the proceeding may exclude
25 all media personnel from a proceeding.

26 4. Sound and light criteria. Any video and audio equipment, including
27 still camera equipment, whether film or digital, shall be operated in a
28 manner to generate the least possible sound or light, and such equipment
29 shall not be permitted if it produces distracting sound or light. No
30 artificial lighting device of any kind shall be used in connection with
31 the video equipment or still camera.

32 5. Location of equipment personnel. Video camera equipment and still
33 camera photographers shall be positioned in such location or locations
34 in the courtroom as shall be designated by the judge or justice presid-
35 ing over the proceeding. The area designated shall provide reasonable
36 access to coverage of the proceedings, so long as such reasonable access
37 can be provided without interference with the proceedings. Video
38 cameras and operators, and any still cameras and photographers, if
39 permitted, shall assume a fixed position within the designated area and
40 shall not be permitted to move about to obtain photographs or video
41 recordings of court proceedings. Media representatives shall not move
42 about the court facility while proceedings are in session.

43 6. Equipment movement during proceedings. News media photographic or
44 audio equipment shall not be placed in, removed from, or moved about the
45 authorized location as determined by the judge or justice presiding over
46 the proceeding, except before commencement or after adjournment of
47 proceedings each day. Equipment may be moved during a recess only with
48 the prior approval of the judge or justice presiding over the proceed-
49 ing. Neither video cassettes or film magazines nor still camera film,
50 digital media cards or lenses shall be changed within a courtroom except
51 during a recess in the proceeding.

52 7. Courtroom light sources. With the concurrence of the administrative
53 judge or the presiding justice who oversees the court in which the
54 proceeding is occurring, modifications and additions may be made in
55 light sources existing in the courtroom, provided such modifications or
56 additions are installed and maintained without public expense.

1 8. Restrictions on audio-visual coverage. Notwithstanding the initial
2 approval of a request for audio-visual coverage of any court proceeding,
3 the presiding trial judge shall have discretion throughout the proceed-
4 ing to revoke such approval or limit such coverage, and may where appro-
5 priate exercise such discretion to limit, restrict or prohibit audio or
6 visual broadcast or photography of any part of the proceeding in the
7 courtroom, or of the name or features of any participant therein. In any
8 case, audio-visual coverage shall be limited as follows:

9 (a) to protect the attorney-client privilege and the effective right
10 to counsel, there shall be no video or audio pickup or broadcast of
11 conferences that occur in a courtroom between attorneys and their
12 clients, between co-counsel of a client, or between counsel and the
13 presiding judge held at the bench;

14 (b) no conference in chambers shall be subject to audio-visual cover-
15 age;

16 (c) no audio-visual coverage of the selection of the prospective jury
17 during voir dire shall be permitted;

18 (d) no audio-visual coverage of the jury, or of any juror or alternate
19 juror, while in the jury box, in the courtroom, in the jury deliberation
20 room during recess, or while going to or from the deliberation room at
21 any time shall be permitted, provided, however, that upon consent of the
22 foreperson of a jury, the presiding trial judge may, in such presiding
23 trial judge's discretion, permit audio coverage of such foreperson
24 delivering a verdict;

25 (e) no audio-visual coverage shall be permitted of a witness, who as a
26 peace or police officer acted in a covert or undercover capacity in
27 connection with the instant court proceeding, without the prior written
28 consent of such witness;

29 (f) no audio-visual coverage shall be permitted of a witness, who as a
30 peace officer or police officer is currently engaged in a covert or
31 undercover capacity, without the prior written consent of such witness;

32 (g) no audio-visual coverage shall be permitted of the victim in a
33 prosecution for rape, criminal sexual act, sexual abuse or other sex
34 offense under article one hundred thirty or section 255.25 of the penal
35 law. Notwithstanding the initial approval of a request for audio-visual
36 coverage of such a proceeding, the presiding trial judge shall have
37 discretion throughout the proceeding to limit any coverage which would
38 identify the victim, except that said victim can request of the presid-
39 ing trial judge that audio-visual coverage be permitted of such victim's
40 testimony, or in the alternative the victim can request that coverage of
41 such victim's testimony be permitted but that such victim's image shall
42 be visually obscured by the news media, and the presiding trial judge in
43 such presiding trial judge's discretion shall grant the request of the
44 victim for the coverage specified;

45 (h) no audio-visual coverage of any arraignment or suppression hearing
46 shall be permitted without the prior consent of all parties to the
47 proceeding, provided, however, where a party is not yet represented by
48 counsel, consent may not be given unless the party has been advised of
49 such party's right to the aid of counsel pursuant to subdivision four of
50 section 170.10 or 180.10 of the criminal procedure law and the party has
51 affirmatively elected to proceed without counsel at such proceeding;

52 (i) no judicial proceeding shall be scheduled, delayed, reenacted or
53 continued at the request of, or for the convenience of the news media;

54 (j) no audio-visual coverage of any participant shall be permitted if
55 the presiding trial judge finds that such coverage is liable to endanger
56 the safety of any person; and

(k) no audio-visual coverage shall be permitted which focuses on or features a family member of a victim or a party in the trial of a criminal case, except while such family member is testifying. Audio-visual coverage operators shall make all reasonable efforts to determine the identity of such persons, so that such coverage shall not occur.

9. Impermissible use of media material. Film, digital files, videotape, still photographs, or audio reproductions captured or recorded during or by virtue of coverage of a judicial proceeding shall not be admissible as evidence in the proceeding out of which it arose, or upon retrial or appeal of such proceedings.

10. Written order. (a) An order restricting audio-visual coverage with respect to a particular participant shall be in writing. The order must state good cause why such coverage will have a substantial effect upon the individual which would be qualitatively different from the effect on members of the public in general and that such effect will be qualitatively different from coverage by other types of media. Before prohibiting audio-visual coverage, the presiding judge must first consider the imposition of special limitations, such as a delayed or modified still or audio-visual coverage of the proceedings.

(b) A presumption of good cause shall exist with respect to the testimony of minors and testimony of any individual covered by section fifty-b of the civil rights law.

11. Closing the courtroom. No audio-visual coverage will be permitted during any period in which the courtroom is lawfully closed to the general public in accordance with the United States and New York Constitutions, New York law and court rules.

12. Appellate review. Any order issued pursuant to this section shall be subject to review pursuant to article seventy-eight of the civil practice law and rules and any rules of the appellate courts promulgated to provide expedited review of such order.

13. Regulations. The chief administrator shall promulgate appropriate rules and regulations for the implementation of the provisions of this section after affording all interested persons, agencies and institutions an opportunity to review and comment thereon. Such rules and regulations shall include provisions to ensure that audio-visual coverage of trial proceedings shall not interfere with the decorum and dignity of courtrooms and court facilities.

§ 2. Section 52 of the civil rights law is REPEALED.

§ 3. Subdivision 5 of section 751 of the judiciary law, as added by chapter 187 of the laws of 1992, is amended to read as follows:

5. Where any member of the [news] media as [~~defined in subdivision two of~~] referenced in section two hundred eighteen of this chapter, willfully disobeys a lawful mandate of a court issued pursuant to such section, the punishment for each day that such contempt persists may be by a fine fixed in the discretion of the court, but not to exceed five thousand dollars per day or imprisonment, not exceeding thirty days, in the jail of the county where the court is sitting or both, in the discretion of the court. In fixing the amount of the fine, the court shall consider all the facts and circumstances directly related to the contempt, including, but not limited to: (i) the extent of the willful defiance of or resistance to the court's mandate, (ii) the amount of gain obtained by the willful disobedience of the mandate, and (iii) the effect upon the public and the parties to the proceeding of the willful disobedience.

§ 4. This act shall take effect on the ninetieth day after it shall have become a law.