

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 4102

(SENATE AUTHORS: CWODZINSKI)

DATE
05/18/2018

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OFFICIAL STATUS
Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to courts; requesting creation of a task force to assess expanding use of
1.3 audio and audio-visual recording of court proceedings.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. **ELECTRONIC RECORDING OF COURT PROCEEDINGS TASK**
1.6 **FORCE.**

1.7 Subdivision 1. **Establishment.** The Supreme Court is requested to establish a task force
1.8 to evaluate the expanded use of audio and audio-visual recording of court proceedings.

1.9 Subd. 2. **Membership.** (a) The task force shall include:

1.10 (1) legal practitioners including at least one judge, a county attorney, a representative
1.11 from the office of the public defender, and a family court practitioner;

1.12 (2) representatives from court administration; and

1.13 (3) representatives from privacy groups.

1.14 (b) Members of the task force should represent a cross-section of regions within the
1.15 state.

1.16 (c) The Supreme Court may authorize members of the task force to receive expense
1.17 reimbursement as provided in Minnesota Statutes, section 15.069, subdivision 6.

1.18 Subd. 3. **Duties.** (a) The duties of the task force shall, at a minimum, include:

1.19 (1) considering whether the use of audio and audio-visual recording of court proceedings
1.20 should be expanded;

2.1 (2) addressing whether audio and audio-visual recording of court proceedings should
2.2 be made available to the public upon written request and, if so, what reasonable cost should
2.3 be charged for making a copy;

2.4 (3) determining what equipment and personnel would be needed to ensure that all audio
2.5 and audio-visual recordings made available to the public remove any portions that the court,
2.6 court rules, or law require be confidential or redacted;

2.7 (4) identifying what notice and proceedings would be needed to ensure that parties and
2.8 witnesses could seek an order prohibiting or limiting public access and inspection of audio
2.9 recordings, audio-visual recordings, or both;

2.10 (5) considering whether audio and audio-visual recording of court proceedings should
2.11 be made part of the official record of the proceedings;

2.12 (6) identifying what costs would be anticipated in connection with expansion of the use
2.13 of audio and audio-visual recording of court proceedings; and

2.14 (7) assessing whether any persons, including but not limited to the following persons,
2.15 should be given access to copies of audio and audio-visual recording of court proceedings
2.16 from which confidential portions have not been redacted:

2.17 (i) the Court of Appeals and the Supreme Court of Minnesota;

2.18 (ii) the presiding judge in the case;

2.19 (iii) a party to the proceedings or the attorney for a party;

2.20 (iv) a stenographer or transcription service designated by the court for the purpose of
2.21 preparing an official transcript of the proceeding;

2.22 (v) the Minnesota Board on Judicial Standards; or

2.23 (vi) the Minnesota Lawyers Professional Responsibility Board.

2.24 (b) At its discretion, the task force may examine other related issues consistent with this
2.25 section.

2.26 Subd. 4. **Meetings.** Meetings of the task force are subject to Minnesota Statutes, chapter
2.27 13D.

2.28 Subd. 5. **Report.** The task force is requested to submit a report describing its work,
2.29 including a description of current court rules regarding the use of audio and audio-visual
2.30 recording, recent actions related to the use of audio and audio-visual recording, and
2.31 recommendations for legislative action, if necessary, to implement its findings to the chairs

3.1 and ranking minority members of the legislative committees with jurisdiction over civil law
3.2 and data practices policy and public safety policy and finance by January 15, 2020.

3.3 Subd. 6. **Expiration.** The task force expires upon submission of its report under
3.4 subdivision 5.

3.5 **EFFECTIVE DATE.** This section is effective the day following final enactment.