

## HB0397S01 compared with HB0397

~~{Omitted text}~~ shows text that was in HB0397 but was omitted in HB0397S01  
inserted text shows text that was not in HB0397 but was inserted into HB0397S01

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

## Courtroom Audiovisual Modifications

## 2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael L. Kohler**

**Senate Sponsor:**

2

# LONG TITLE

## 4 General Description:

5 This bill addresses audiovisual coverage of a court proceeding.

## 6 **Highlighted Provisions:**

7 This bill:

- ▶ defines terms;
- ▶ requires the Administrative Office of the Courts to provide a livestream of certain court proceedings for public observation;
- ▶ provides exceptions to the requirement to provide a livestream;
- ▶ requires the Administrative Office of the Courts to create an audiovisual recording of each stream and make the recording freely available for public observation; and
- ▶ makes technical and conforming changes.

## 15 Money Appropriated in this Bill:

16 None

## 17 Other Special Clauses:

18 None

# HB0397 compared with HB0397S01

19      **Utah Code Sections Affected:**

20      ENACTS:

21      **78A-2-234** , Utah Code Annotated 1953

---

---

23      *Be it enacted by the Legislature of the state of Utah:*

24          Section 1. Section 1 is enacted to read:

25          **78A-2-234. Livestreaming of a court proceeding -- Audiovisual recording of a livestream.**

27          (1) As used in this section:

28          (a) "Court proceeding" means a hearing, trial, or other appearance before a court that is open to the public.

30          (b) "Court website" means the same as that term is defined in Section 78A-2-233.

31          (c) "Livestream" means a live internet broadcast of audio and video.

32          (d) "Less restrictive alternative" includes:

33          (i) allowing remote audio listening while disabling video observation; or

34          (ii) suspending a livestream during a particular witness's testimony or a portion of a court proceeding.

36          (e) "Minor" means an individual who is under 18 years old.

37          (f) "Victim's right" means a right afforded to a victim under Title 77, Chapter 37, Victims' Rights, Title 77, Chapter 38, Crime Victims, or Utah Constitution, Article I, Section 28.

40          (2) Except as provided in Subsections (3) and (4), the Administrative Office of the Courts shall:

42          (a) make a livestream of each court proceeding freely available to the public; and

43          (b) provide a link to access the livestream on a court website in a form that is easily accessible.

45          (3) The requirement described in Subsection (2) does not apply if:

46          (a) the court excludes members of the public from the court proceeding under Subsection 78A-2-208(4); or

48          (b) after a request by a party, witness, or victim, or on the court's own motion, the court makes findings on the record based on the particular facts and circumstances of the case that:

51          (i) there is a reasonable likelihood that making a livestream of the court proceeding freely available for public observation risks:

53          (A) prejudicing a party's right to a fair court proceeding;

54          (B) compromising a victim's right;

55          (C) jeopardizing an individual's safety or wellbeing;

## HB0397 compared with HB0397S01

56 (D) jeopardizing a minor's interests or wellbeing; or  
57 (E) constituting an unwarranted invasion of an individual's personal privacy; and  
58 (ii) there is no less restrictive alternative that preserves the public interest in remote observation while  
59 mitigating the identified risk.

60 (4) A court may order the suspension or termination of a livestream if the court finds that a condition  
61 described in Subsection (3) arises during the court proceeding.

62 (5) A court may:

63 (a) implement measures to prohibit access to a livestream by a witness excluded from a court  
64 proceeding; and

65 (b) inquire of any witness, while under oath and outside the presence of the jury, if the witness observed  
66 any portion of the court proceeding or discussed any portion of the court proceeding with anyone  
67 before testifying.

68 (6) A court shall:

69 (a) take reasonable steps to ensure there is no audio or visual transmission of:

70 (i) a juror or prospective juror;  
71 (ii) the face of an individual known to be a minor;  
72 (iii) an exhibit or document that is not part of the official public record;  
73 (iv) a matter conducted in chambers;  
74 (v) the content of a bench conference; or  
75 (vi) the content of confidential communications between counsel and client, between clients, or between  
76 counsel;

77 (b) notify parties and attorneys of the location of microphones and any ability to mute microphones; and

78 (c) if the court becomes aware that a transmission described in Subsection (6)(a) occurred, work with  
79 the parties and attorneys to prevent reoccurrence.

80 (7)

81 (a) The Administrative Office of the Courts shall:

82 (i) create an audiovisual recording of each livestream of a court proceeding;  
83 (ii) within three business days after the day of the court proceeding, post on a court website the  
84 audiovisual recording, or a link to the audiovisual recording; and  
85 (iii) make the audiovisual recording, or link to the audiovisual recording, freely available to the  
86 public on the court website for a minimum of one year.

## HB0397 compared with HB0397S01

87 (b) An audiovisual recording described in Subsection (7)(a) shall:

88 (i) include all open portions of the court proceeding from the commencement of the court proceeding  
through the adjournment of the court proceeding; and

90 (ii) be properly labeled or identified with the date, time, and place of the court proceeding.

92 (c) If a transmission described in Subsection (6)(a) occurred during a livestream of a court proceeding,  
the Administrative Office of the Courts shall censor the portion of the audiovisual recording with  
the transmission before posting the audiovisual recording or a link to the audiovisual recording on a  
court website.

96 (8) This section does not apply to a court proceeding in the justice court or juvenile court.

### 97 Section 2. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

2-6-26 12:11 PM