

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

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Courtroom Audiovisual Modifications

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael L. Kohler

Senate Sponsor:

LONG TITLE

General Description:

This bill addresses audiovisual coverage of a court proceeding.

Highlighted Provisions:

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.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

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Utah Code Sections Affected:

ENACTS:

78A-2-234 , Utah Code Annotated 1953

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

Section 1. Section 1 is enacted to read:

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

(1) As used in this section:

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

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

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

(d) "Less restrictive alternative" includes:

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

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

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

(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.

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

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

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

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

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

(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:

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

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

(B) compromising a victim's right;

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

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- 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
mitigating the identified risk.
- 60 (4) A court may order the suspension or termination of a livestream if the court finds that a condition
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
proceeding; and
65 (b) inquire of any witness, while under oath and outside the presence of the jury, if the witness observed
any portion of the court proceeding or discussed any portion of the court proceeding with anyone
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
counsel;
- 77 (b) notify parties and attorneys of the location of microphones and any ability to mute microphones; and
79 (c) if the court becomes aware that a transmission described in Subsection (6)(a) occurred, work with
the parties and attorneys to prevent reoccurrence.
- 81 (7)
(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
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
public on the court website for a minimum of one year.

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- 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.

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