

SENATE BILL NO. 336

March 25, 2021, Introduced by Senator RUNESTAD and referred to the Committee on Judiciary and Public Safety.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding section 1429.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1429. (1) If a court makes a video recording of a public
- 2 court proceeding, the court shall make the recording available for
- 3 public access as required by this section.
- 4 (2) A video recording that is made available for public access
- 5 under subsection (1) must be a complete recording of all public
- 6 portions of the court proceeding and not be edited to remove any

1 portion of the recording that was viewable to any individual who
2 was physically present at the proceeding.

3 (3) A video recording to which this section applies must be
4 made available for access within 10 days after the date the
5 recording was made and continue to be available until not less than
6 60 days after the date the recording was made.

7 (4) A video recording to which this section applies may be
8 made available in any manner, including, but not limited to, any of
9 the following:

10 (a) Making the recording accessible from a public website.

11 (b) Making the recording accessible from a link provided by
12 electronic mail on request.

13 (c) Providing a physical copy of the recording.

14 (d) Making the recording available for viewing at the
15 courthouse.

16 (5) A court may require a person that requests a video
17 recording to which this section applies to complete a form approved
18 by the state court administrative office that includes all of the
19 following:

20 (a) The case name and number.

21 (b) The date, time, and location of and the name of the judge
22 who presided over the court proceeding.

23 (c) If less than the entire proceeding is requested, the
24 portion requested.

25 (d) An acknowledgment that the recording is not the official
26 record of the proceeding.

27 (e) The requesting person's agreement that it will comply with
28 all laws regarding privacy of the information contained in the
29 recording and will not publish or disseminate any content that may

1 be protected from disclosure.

2 (6) If a video recording to which this section applies is
3 provided in physical form, the court may require a person to pay a
4 fee of not more than \$10.00 for each copy of each court proceeding
5 requested.

6 (7) A video recording made available under this section is not
7 the official record of the court proceeding.

8 (8) This section does not require a court to make a video
9 recording of a court proceeding.

10 (9) This section does not apply to a court proceeding or
11 portion of a court proceeding if the court has ordered the record
12 sealed or access to the proceeding restricted as allowed by court
13 rule or statute.

14 (10) A video recording of a public proceeding made available
15 under this section is a public record for purposes of section 248
16 of the Michigan penal code, 1931 PA 328, MCL 750.248. This
17 subsection does not limit the ability to prosecute under any other
18 applicable law the false making or alteration of a video recording
19 of a public proceeding made available under this section.