HB 1266-FN - AS INTRODUCED

2024 SESSION

24-2032
09/05

HOUSE BILL ***1266-FN***

AN ACT relative to permitting recordings of open family court proceedings by parties.

SPONSORS: Rep. Kuttab, Rock. 17; Rep. M. Pearson, Rock. 34; Rep. Ball, Rock. 25; Rep. Yokela, Rock. 32; Rep. Read, Rock. 10; Rep. K. Perez, Rock. 16; Rep. DeSimone, Rock. 18

COMMITTEE: Children and Family Law

ANALYSIS

This bill authorizes parties to make their own audio and/or visual recording of proceedings in the family division of the circuit court under certain circumstances.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to permitting recordings of open family court proceedings by parties.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Section; Judicial Branch Family Division; Recording of Proceedings. Amend RSA 490-D by inserting after section 490-D:15 the following new section:

490-D:16 Recording of Proceedings.

I. Each party to a proceeding that is open to the public in the family division of the circuit court shall have the right to make an audio and/or visual recording of the proceeding provided that:

(a) The recording device used by the party does not interfere with the proceeding;

(b) The party can only record if the proceeding is open to the public and not a confidential proceeding;

(c) The recording is limited to the proceeding in which the party is participating; and

(d) Electronic recording or transmission of private communication of others including bench and side-bar conferences, conferences between counsel, and conferences between counsel and client are prohibited.

II. Nothing in this section shall prohibit a party or non-party who is otherwise authorized by law or court order to record proceedings from doing so.

2 Effective Date. This act shall take effect January 1, 2025.

LBA
24-2032
11/14/23

HB 1266-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to permitting recordings of open family court proceedings by parties.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	**FY 2025**	**FY 2026**	**FY 2027**
Revenue	$0	$0	$0	$0
Revenue Fund(s)	None			
Expenditures	$0	Indeterminable	Indeterminable	Indeterminable
Funding Source(s)	General Fund			
Appropriations	$0	$0	$0	$0
Funding Source(s)	None			

- Does this bill provide sufficient funding to cover estimated expenditures? [X] No
- Does this bill authorize new positions to implement this bill? [X] No

METHODOLOGY:

This bill authorizes parties to make their own audio and/or visual recording of proceedings in the family division of the circuit court under certain circumstances. The Judicial Branch states it is not possible to estimate how this change in law would affect the number and complexity of legal filings. The courts have existing policies regarding recording in courtroom which are not too restrictive that can be found at the following links:

www.courts.nh.gov/media/guidelines-use-cameras-and-audio-equipment

www.courts.nh.gov/rules-circuit-court-state-new-hampshire-family-division#page-id-7611

It is assumed that requests pursuant to this law would be considered under the existing processes. To the extent this law change would be in conflict with existing rules, it possible there would be additional litigation. The Branch indicates that it is also possible there would be no increase in costs.

AGENCIES CONTACTED:

Judicial Branch