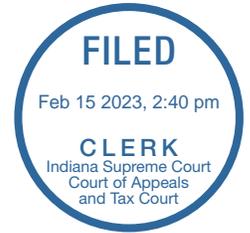


# In the Indiana Supreme Court



Cause No. 23S-MS-10

## Order Amending Indiana Code of Judicial Conduct

Under the authority vested in this Court pursuant to Article 7, Section 4 of the Indiana Constitution providing for the discipline, removal, and retirement of judges, the Indiana Code of Judicial Conduct is amended as follows (deletions shown by striking and new text shown by underlining):

### Code of Judicial Conduct

...

#### Rule 2.17 Prohibiting Broadcasting of Proceedings

~~Except with prior approval of the Indiana Supreme Court, a~~A judge shall prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto ~~during sessions of court or recesses between sessions, except that. However,~~ a judge may authorize:

- (1) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record, or for other purposes of judicial administration;
- (2) the broadcasting, televising, recording, or photographing of investitive, or ceremonial,~~or naturalization~~ proceedings;
- (3) ~~the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions~~the broadcasting, televising, recording, digital streaming, or photographing of court proceedings or the courtroom by members of the news media under the following conditions with judicial approval:
  - (a) the means of recording will not distract participants or impair the dignity of the proceedings; and
  - (b) the broadcasting is restricted to non-confidential proceedings, the parties have consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;
  - (c) ~~the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and~~
  - (d) ~~the reproduction will be exhibited only for instructional purposes in educational institutions.~~

## COMMENT

[1] Under paragraph (3) of this Rule, the judge has discretion to approve or deny a request for broadcast of a court proceeding. If the judge allows broadcast, the judge has discretion to interrupt or stop the coverage if he or she deems the interruption or stoppage appropriate. The judge also has discretion to limit or terminate broadcast by a news media organization at any time during the proceeding.

[2] News media is defined as persons employed by or representing a newspaper, periodical, press association, radio station, television station, or wire service and covered by Ind. Code § 34-46-4-1. Representatives of news media organizations may be required to wear identification. The judge has discretion to determine who is admitted as news media and under what conditions. Members of the general public are prohibited from broadcasting, recording, or photographing court proceedings.

[3] All civil and criminal proceedings are eligible for broadcast by the news media, except for proceedings closed to the public, either by state statute or Indiana Supreme Court rules. No broadcast of a court proceeding is allowed without authorization from the judge. All authorized broadcast coverage of a court proceeding must comply with the Indiana Rules of Professional Conduct and the Indiana Code of Judicial Conduct. The judge must prohibit media broadcast of minors; juvenile delinquency and CHINS matters; victims of violent offenses, sex offenses, and domestic abuse; jurors; attorney-client communications; bench conferences; and materials on counsel tables and judicial bench. The judge has discretion to deny broadcast coverage of a witness for safety concerns.

[4] A judge may require news media to submit requests to broadcast a trial court proceeding in advance of the court proceeding. The judge has discretion to modify the notice period. The judge will provide a copy of the request to the counsel of record and parties appearing without counsel. The judge must post notice in the courtroom that news media personnel may be present for broadcast of court proceedings, and filming, photographing, and recording is limited to the authorized news media personnel.

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This amendment is effective May 1, 2023.

Done at Indianapolis, Indiana, on 2/15/2023.



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Loretta H. Rush  
Chief Justice of Indiana