

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 2005

Order regarding Livestreaming
Court Proceedings.

IT IS ORDERED:

- (a) Members of the public are permitted to attend and observe all non-confidential court hearings and trials, except when a court order provides otherwise for good cause. Good cause may include general reasons relating to current public health and safety concerns. In addition, the court system shall make a reasonable effort to provide an online video or audio live stream of the types of proceedings described in (b) of this rule, considering the importance of allowing the public to observe proceedings and any limitations on resources, including staff, equipment, and available bandwidth. The court has the discretion to decide whether a particular proceeding is streamed, considering the level of public interest and any concerns raised by the parties, alleged victims, and members of the public.
- (b) The following proceedings will be streamed to the greatest extent possible, unless the proceeding is in a confidential case:
 - (1) hearings and other proceedings, including trials, in cases that involve important matters of health or safety; important matters relating to environmental, economic, or community well-being; and governmental matters including elections and redistricting; the judicial officer presiding at a particular proceeding will have the discretion to decide whether the proceeding is within this category and therefore will be streamed; and
 - (2) oral arguments before the Alaska Supreme Court and the Alaska Court of Appeals.
- (c) A criminal trial in which the most serious charge pending at the time of trial is a felony level offense, except for cases in which the pending charges include an offense under AS 11.41.300(a)(1)(C) or AS 11.41.410-.460, may be streamed depending on the following considerations:

- (1) if all alleged victims of any charges under AS 11.41.300(a)(1)(C) or AS 11.41.410-.460 requests that the trial be streamed, the judge may order that it be streamed with appropriate safeguards relating to any sensitive or personal issues that may be discussed at the trial;
- (2) seating capacity of the courtroom gallery for observers
- (3) the significance of the trial to the public; and
- (4) the interest outside of the trial venue because
 - (i) the alleged crime occurred outside the trial venue;
 - (ii) the alleged victim's residence is outside the trial venue;
 - (iii) the alleged victim's family resides outside the trial venue;
 - (iv) the alleged victim was connected to a community that is outside the trial venue;
 - (v) the defendant's residence is outside the trial venue; or
 - (vi) the defendant is connected to a community that is outside the trial venue.
- (d) A proceeding that may be streamed under subsection (b)(1) but would be barred from being streamed under (c) may be streamed only if requested by all alleged victims of the pending charges and if ordered by the judge presiding at the proceeding.
- (e) The court system shall not stream any portion of a proceeding, whether audio or visual, that could reveal the identity of or reasonably allow for the identification of
 - (1) any alleged victim of any crime under AS 11.41.410-.460;
 - (2) any party to a protective order proceeding under AS 18.65.850-.870 or AS 18.66.100-990;
 - (3) any member of the jury serving in the trial that is being streamed;
or

- (4) a person under the age of 18, unless the minor is being prosecuted as an adult in a criminal case.
- (f) The court system shall not stream any proceeding or portion of a proceeding, whether audio or visual, that is confidential by law, court rule, or court order.
- (g) The court system shall not stream video of evidence that depicts graphic images including the bodies of deceased victims, or wounds or injuries. Instead, the stream would continue with audio only if appropriate.
- (h) Video streams of trial court proceedings will be broadcast simultaneously with the event, in real-time, provided there are not technology interruptions. Video streamed trial court proceedings will not be archived or available in any form for access by the public after the completion of the proceeding. If the appellate court authorizes livestreaming of its oral arguments by a non-profit media organization, that organization may archive the arguments and make them available according to its public use policy.
- (i) To transmit, record, or broadcast any images or video from streamed proceedings, the requirements in Administrative Rule 50(b) remain in effect.

DATED: April 13, 2023

EFFECTIVE DATE: April 13, 2023

/s/
Chief Justice Maassen

/s/
Justice Carney

/s/
Justice Borghesan

/s/
Justice Henderson

/s/
Justice Pate