

**TESTIMONY ON SB 569
BEFORE THE SENATE COMMITTEE ON HUMAN SERVICES
FEBRUARY 8, 2023**

**PRESENTED BY: AJA HOLLAND, ASSISTANT GENERAL COUNSEL
OREGON JUDICIAL DEPARTMENT**

Chair Gelser Blouin, Vice-Chair Robinson, and Members of the Committee:

My name is Aja Holland, Assistant General Counsel at the Oregon Judicial Department (OJD). I want to thank both the chief sponsor, Chair Gelser Blouin, and the proponent, for taking the time to correspond with OJD and its staff on this bill, and for providing clarification and insight on its intended scope.

I submit this written testimony to reiterate OJD's understanding that the bill is intended to cover only TV broadcasts in non-court locations and is not intended to apply to court proceedings or court-controlled video display monitors, such as those used in the courthouse to help people find their court proceeding. With that understanding, OJD is neutral on the bill.

SB 569 requires places of public accommodation to activate closed captioning on closed-captioned televisions, or any other apparatus designed to receive or play back video programming transmitted simultaneously with sound, that has the technological capability to display closed captioning, when those devices are displayed in a public area.

Courthouses are places of public accommodation under ORS chapter 659A, and courts use televisions, computer monitors, and other screens to display docket information, to play video evidence during court proceedings, and, in the event of remote or hybrid proceedings, to display remote testimony or appearances via video conferencing software.

OJD asked for clarification regarding the intent of the measure because the definition of "closed-captioned television receiver" in Section 2(1)(a) includes not only televisions but also "any other apparatus that is designed to receive or play back video programming transmitted simultaneously with sound and that has the technological capability to display closed captioning." Similarly, "video programming" is not currently defined in the measure. Absent clarification regarding the intent of the measure, these definitions could be interpreted to include computer monitors or other technology that displays both video and sound, like those used in our circuit courts; however, we understand that the intent is not to apply the measure to the courts.

For context as to OJD's current efforts to address Americans with Disabilities Act (ADA) accommodations, OJD provides Communication Access Realtime Translation (CART service) to parties, witnesses, jurors, and court observers upon an appropriate ADA request. CART service is provided by a trained individual who is generally a remote participant in the proceeding and transcribes the proceeding in real time for viewing by the person in need of the accommodation. In the rare event that concerns arise about the accuracy of the transcription, the CART service provider is treated as an expert witness to the proceeding. If the measure were intended to apply to court proceedings, OJD would have concerns about how it could ensure the accuracy of the closed captioning transcription, especially in cases where video or testimonial evidence may present an important fact question for the jury to determine.

OJD appreciates the clarification as to the intent of this bill that has been provided by the chief sponsor and the proponent. In the event that an amendment may be forthcoming, OJD would welcome the opportunity to work with the chief sponsor and the proponent to provide technical and operational insights as to OJD processes and to clarify OJD's understanding of the bill's intent.

Thank you for the opportunity to provide written testimony on SB 569. If you have any questions, please contact Aja Holland, Assistant General Counsel, OJD Office of General Counsel (OGC) at Aja.T.Holland@ojd.state.or.us or Kaiti Ferguson, Senior Staff Counsel, OJD Office of Legislative Affairs (OLA) at Kaiti.Ferguson@ojd.state.or.us.