

Calendar No. 383

109TH CONGRESS
2^D SESSION

S. 829

To allow media coverage of court proceedings.

IN THE SENATE OF THE UNITED STATES

APRIL 18, 2005

Mr. GRASSLEY (for himself, Mr. SCHUMER, Mr. CORNYN, Mr. LEAHY, Mr. CRAIG, Mr. FEINGOLD, Mr. ALLEN, Mr. DURBIN, Mr. GRAHAM, Mr. DEWINE, Mr. ALLARD, and Mr. SPECTER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

MARCH 30, 2006

Reported by Mr. SPECTER, without amendment

A BILL

To allow media coverage of court proceedings.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sunshine in the Court-
5 room Act of 2005”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) PRESIDING JUDGE.—The term “presiding
2 judge” means the judge presiding over the court
3 proceeding concerned. In proceedings in which more
4 than 1 judge participates, the presiding judge shall
5 be the senior active judge so participating or, in the
6 case of a circuit court of appeals, the senior active
7 circuit judge so participating, except that—

8 (A) in en banc sittings of any United
9 States circuit court of appeals, the presiding
10 judge shall be the chief judge of the circuit
11 whenever the chief judge participates; and

12 (B) in en banc sittings of the Supreme
13 Court of the United States, the presiding judge
14 shall be the Chief Justice whenever the Chief
15 Justice participates.

16 (2) APPELLATE COURT OF THE UNITED
17 STATES.—The term “appellate court of the United
18 States” means any United States circuit court of ap-
19 peals and the Supreme Court of the United States.

20 **SEC. 3. AUTHORITY OF PRESIDING JUDGE TO ALLOW**
21 **MEDIA COVERAGE OF COURT PROCEEDINGS.**

22 (a) AUTHORITY OF APPELLATE COURTS.—Notwith-
23 standing any other provision of law, the presiding judge
24 of an appellate court of the United States may, in the dis-
25 cretion of that judge, permit the photographing, electronic

1 recording, broadcasting, or televising to the public of court
2 proceedings over which that judge presides.

3 (b) AUTHORITY OF DISTRICT COURTS.—

4 (1) IN GENERAL.—Notwithstanding any other
5 provision of law, any presiding judge of a district
6 court of the United States may, in the discretion of
7 that judge, permit the photographing, electronic re-
8 cording, broadcasting, or televising to the public of
9 court proceedings over which that judge presides.

10 (2) OBSCURING OF WITNESSES.—

11 (A) IN GENERAL.—Upon the request of
12 any witness in a trial proceeding other than a
13 party, the court shall order the face and voice
14 of the witness to be disguised or otherwise ob-
15 scured in such manner as to render the witness
16 unrecognizable to the broadcast audience of the
17 trial proceeding.

18 (B) NOTIFICATION TO WITNESSES.—The
19 presiding judge in a trial proceeding shall in-
20 form each witness who is not a party that the
21 witness has the right to request that the image
22 and voice of that witness be obscured during
23 the witness' testimony.

24 (c) ADVISORY GUIDELINES.—The Judicial Con-
25 ference of the United States may promulgate advisory

1 guidelines to which a presiding judge, in the discretion of
2 that judge, may refer in making decisions with respect to
3 the management and administration of photographing, re-
4 cording, broadcasting, or televising described under sub-
5 sections (a) and (b).

6 **SEC. 4. SUNSET.**

7 The authority under section 3(b) shall terminate 3
8 years after the date of the enactment of this Act.

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