

110TH CONGRESS
1ST SESSION

S. 352

To provide for media coverage of Federal court proceedings.

IN THE SENATE OF THE UNITED STATES

JANUARY 22, 2007

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

A BILL

To provide for media coverage of Federal 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 2007”.

6 **SEC. 2. FEDERAL APPELLATE AND DISTRICT COURTS.**

7 (a) DEFINITIONS.—In this section:

8 (1) PRESIDING JUDGE.—The term “presiding
9 judge” means the judge presiding over the court
10 proceeding concerned. In proceedings in which more
11 than 1 judge participates, the presiding judge shall

1 be the senior active judge so participating or, in the
 2 case of a circuit court of appeals, the senior active
 3 circuit judge so participating, except that—

4 (A) in en banc sittings of any United
 5 States circuit court of appeals, the presiding
 6 judge shall be the chief judge of the circuit
 7 whenever the chief judge participates; and

8 (B) in en banc sittings of the Supreme
 9 Court of the United States, the presiding judge
 10 shall be the Chief Justice whenever the Chief
 11 Justice participates.

12 (2) APPELLATE COURT OF THE UNITED
 13 STATES.—The term “appellate court of the United
 14 States” means any United States circuit court of ap-
 15 peals and the Supreme Court of the United States.

16 (b) AUTHORITY OF PRESIDING JUDGE TO ALLOW
 17 MEDIA COVERAGE OF COURT PROCEEDINGS.—

18 (1) AUTHORITY OF APPELLATE COURTS.—

19 (A) IN GENERAL.—Except as provided
 20 under subparagraph (B), the presiding judge of
 21 an appellate court of the United States may, at
 22 the discretion of that judge, permit the
 23 photographing, electronic recording, broad-
 24 casting, or televising to the public of any court
 25 proceeding over which that judge presides.

1 (B) EXCEPTION.—The presiding judge
 2 shall not permit any action under subparagraph
 3 (A), if—

4 (i) in the case of a proceeding involv-
 5 ing only the presiding judge, that judge de-
 6 termines the action would constitute a vio-
 7 lation of the due process rights of any
 8 party; or

9 (ii) in the case of a proceeding involv-
 10 ing the participation of more than 1 judge,
 11 a majority of the judges participating de-
 12 termine that the action would constitute a
 13 violation of the due process rights of any
 14 party.

15 (2) AUTHORITY OF DISTRICT COURTS.—

16 (A) IN GENERAL.—

17 (i) AUTHORITY.—Notwithstanding
 18 any other provision of law, except as pro-
 19 vided under clause (iii), the presiding judge
 20 of a district court of the United States
 21 may, at the discretion of that judge, per-
 22 mit the photographing, electronic record-
 23 ing, broadcasting, or televising to the pub-
 24 lic of any court proceeding over which that
 25 judge presides.

1 (ii) OBSCURING OF WITNESSES.—Ex-
2 cept as provided under clause (iii)—

3 (I) upon the request of any wit-
4 ness (other than a party) in a trial
5 proceeding, the court shall order the
6 face and voice of the witness to be
7 disguised or otherwise obscured in
8 such manner as to render the witness
9 unrecognizable to the broadcast audi-
10 ence of the trial proceeding; and

11 (II) the presiding judge in a trial
12 proceeding shall inform each witness
13 who is not a party that the witness
14 has the right to request the image and
15 voice of that witness to be obscured
16 during the witness' testimony.

17 (iii) EXCEPTION.—The presiding
18 judge shall not permit any action under
19 this subparagraph, if that judge deter-
20 mines the action would constitute a viola-
21 tion of the due process rights of any party.

22 (B) NO TELEVISIONING OF JURORS.—The
23 presiding judge shall not permit the televising
24 of any juror in a trial proceeding.

1 (3) ADVISORY GUIDELINES.—The Judicial Con-
2 ference of the United States may promulgate advi-
3 sory guidelines to which a presiding judge, at the
4 discretion of that judge, may refer in making deci-
5 sions with respect to the management and adminis-
6 tration of photographing, recording, broadcasting, or
7 televising described under paragraphs (1) and (2).

8 (4) SUNSET OF DISTRICT COURT AUTHORITY.—
9 The authority under paragraph (2) shall terminate
10 3 years after the date of the enactment of this Act.

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