

## Calendar No. 618

110TH CONGRESS  
2D SESSION**S. 352**

To provide for media coverage of Federal court proceedings.

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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

MARCH 13, 2008

Reported by Mr. LEAHY, with amendments

[Omit the part struck through and insert the part printed in italic]

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**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 2008”**6       SEC. 2. FEDERAL APPELLATE AND DISTRICT COURTS.**

7       (a) DEFINITIONS.—In this section:

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 (b) AUTHORITY OF PRESIDING JUDGE TO ALLOW

## 21 MEDIA COVERAGE OF COURT PROCEEDINGS —

22 (1) AUTHORITY OF APPELLATE COURTS.—

23 (A) IN GENERAL.—Except as provided

24 under subparagraph (B), the presiding judge of

25 an appellate court of the United States may, at

1       the discretion of that judge, permit the  
2       photographing, electronic recording, broad-  
3       casting, or televising to the public of any court  
4       proceeding over which that judge presides.

5                   (B) EXCEPTION.—The presiding judge  
6       shall not permit any action under subparagraph  
7       (A), if—

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

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

19                   (2) AUTHORITY OF DISTRICT COURTS.—

20                   (A) IN GENERAL.—

21                           (i) AUTHORITY.—Notwithstanding  
22      any other provision of law, except as pro-  
23      vided under clause (iii), the presiding judge  
24      of a district court of the United States  
25      may, at the discretion of that judge, per-

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

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

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

11 (B) ~~NO TELEVISING OF JURORS.~~—The  
12 presiding judge shall not permit the televising  
13 of any juror in a trial proceeding.

25 (i) the safety of the individual;

22 (4) SUNSET OF DISTRICT COURT AUTHORITY.—  
23 The authority under paragraph (2) shall terminate  
24 3 years after the date of the enactment of this Act.

(5) *MANDATORY GUIDELINES.*—Not later than 6 months after the date of enactment of this Act, the Judicial Conference of the United States shall promulgate mandatory guidelines which a presiding judge is required to follow for obscuring of certain vulnerable witnesses, including crime victims, minor victims, families of victims, cooperating witnesses, undercover law enforcement officers or agents, witnesses subject to section 3521 of title 18, United States Code, relating to witness relocation and protection, or minors under the age of 18 years. The guidelines shall include procedures for determining, at the earliest practicable time in any investigation or case, which witnesses should be considered vulnerable under this section.





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