

109TH CONGRESS  
1ST SESSION

# S. 829

To allow media coverage of court proceedings.

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## 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, and Mr. ALLARD) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## 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:

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

18 (a) AUTHORITY OF APPELLATE COURTS.—Notwith-  
 19 standing any other provision of law, the presiding judge  
 20 of an appellate court of the United States may, in the dis-  
 21 cretion of that judge, permit the photographing, electronic  
 22 recording, broadcasting, or televising to the public of court  
 23 proceedings over which that judge presides.

24 (b) AUTHORITY OF DISTRICT COURTS.—

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

7           (2) OBSCURING OF WITNESSES.—

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

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

21           (c) ADVISORY GUIDELINES.—The Judicial Con-  
22 ference of the United States may promulgate advisory  
23 guidelines to which a presiding judge, in the discretion of  
24 that judge, may refer in making decisions with respect to  
25 the management and administration of photographing, re-

1 cording, broadcasting, or televising described under sub-  
2 sections (a) and (b).

3 **SEC. 4. SUNSET.**

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

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