## H. R. 3054

To provide for media coverage of Federal court proceedings.

## IN THE HOUSE OF REPRESENTATIVES

June 25, 2009

Mr. Delahunt (for himself and Mr. Daniel E. Lungren of California) introduced the following bill; which was 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 2009".
- 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
- proceeding concerned. In proceedings in which more
- 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 determines
20	the action would constitute a violation of
21	the due process rights of any party.
22	(B) No media coverage of jurors.—
23	The presiding judge shall not permit the
24	photographing, electronic recording, broad-

- casting, or televising of any juror in a trial proceeding, or of the jury selection process.
  - (3) Interlocutory appeals barred.—The decision of the presiding judge under this subsection of whether or not to permit, deny, or terminate the photographing, electronic recording, broadcasting, or televising of a court proceeding may not be challenged through an interlocutory appeal.
    - (4) Guidelines.—The Judicial Conference of the United States may promulgate guidelines with respect to the management and administration of photographing, recording, broadcasting, or televising described under paragraphs (1) and (2).
    - (5) SUNSET OF DISTRICT COURT AUTHORITY.—
      The authority under paragraph (2) shall terminate
      3 years after the date of the enactment of this Act.
    - (6) PROCEDURES.—In the interests of justice and fairness, the presiding judge of the court in which media use is desired has discretion to promulgate rules and disciplinary measures for the court-room use of any form of media or media equipment and the acquisition or distribution of any of the images or sounds obtained in the courtroom. The presiding judge shall also have discretion to require written acknowledgement of the rules by anyone in-

- 1 dividually or on behalf of any entity before being al-
- 2 lowed to acquire any images or sounds from the

3 courtroom.

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