

112TH CONGRESS  
1ST SESSION

# H. R. 2802

To provide for media coverage of Federal court proceedings.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 5, 2011

Mr. CHABOT (for himself, Mr. DANIEL E. LUNGREN of California, Ms. ZOE LOFGREN of California, and Mr. DEUTCH) introduced the following bill; which was referred to the Committee on the Judiciary

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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 2011”.

6 **SEC. 2. FEDERAL APPELATE 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 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-

1           casting, or televising of any juror in a trial pro-  
2           ceeding, or of the jury selection process.

3           (3) INTERLOCUTORY APPEALS BARRED.—The  
4           decision of the presiding judge under this subsection  
5           of whether or not to permit, deny, or terminate the  
6           photographing, electronic recording, broadcasting, or  
7           televising of a court proceeding may not be chal-  
8           lenged through an interlocutory appeal.

9           (4) GUIDELINES.—The Judicial Conference of  
10          the United States may promulgate guidelines with  
11          respect to the management and administration of  
12          photographing, recording, broadcasting, or televising  
13          described under paragraphs (1) and (2).

14          (5) SUNSET OF DISTRICT COURT AUTHORITY.—  
15          The authority under paragraph (2) shall terminate  
16          3 years after the date of the enactment of this Act.

17          (6) PROCEDURES.—In the interests of justice  
18          and fairness, the presiding judge of the court in  
19          which media use is desired has discretion to promul-  
20          gate rules and disciplinary measures for the court-  
21          room use of any form of media or media equipment  
22          and the acquisition or distribution of any of the im-  
23          ages or sounds obtained in the courtroom. The pre-  
24          siding judge shall also have discretion to require  
25          written acknowledgment of the rules by anyone indi-

1 vidually 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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