

106TH CONGRESS
1ST SESSION

S. 721

To allow media coverage of court proceedings.

IN THE SENATE OF THE UNITED STATES

MARCH 25, 1999

Mr. GRASSLEY (for himself, Mr. SCHUMER, Mr. LEAHY, Mr. FEINGOLD, and Mr. MOYNIHAN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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. AUTHORITY OF PRESIDING JUDGE TO ALLOW**
4 **MEDIA COVERAGE OF COURT PROCEEDINGS.**

5 (a) AUTHORITY OF APPELLATE COURTS.—Notwith-
6 standing any other provision of law, the presiding judge
7 of an appellate court of the United States may, in his or
8 her discretion, permit the photographing, electronic re-
9 cording, broadcasting, or televising to the public of court
10 proceedings over which that judge presides.

11 (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 his or her discre-
4 tion, permit the photographing, electronic recording,
5 broadcasting, or televising to the public of court pro-
6 ceedings over which that judge presides.

7 (2) OBSCURING OF WITNESSES.—(A) Upon the
8 request of any witness in a trial proceeding other
9 than a party, the court shall order the face and voice
10 of the witness to be disguised or otherwise obscured
11 in such manner as to render the witness unrecogniz-
12 able to the broadcast audience of the trial pro-
13 ceeding.

14 (B) The presiding judge in a trial proceeding
15 shall inform each witness who is not a party that the
16 witness has the right to request that his or her
17 image and voice be obscured during the witness' tes-
18 timony.

19 (c) ADVISORY GUIDELINES.—The Judicial Con-
20 ference of the United States is authorized to promulgate
21 advisory guidelines to which a presiding judge, in his or
22 her discretion, may refer in making decisions with respect
23 to the management and administration of photographing,
24 recording, broadcasting, or televising described in sub-
25 sections (a) and (b).

1 **SEC. 2. DEFINITIONS.**

2 As used in this Act:

3 (1) **PRESIDING JUDGE.**—The term “presiding
4 judge” means the judge presiding over the court
5 proceeding concerned. In proceedings in which more
6 than one judge participates, the presiding judge
7 shall be the senior active judge so participating or,
8 in the case of a circuit court of appeals, the senior
9 active circuit judge so participating, except that—

10 (A) in en banc sittings of any United
11 States circuit court of appeals, the presiding
12 judge shall be the chief judge of the circuit
13 whenever the chief judge participates; and

14 (B) in en banc sittings of the Supreme
15 Court of the United States, the presiding judge
16 shall be the Chief Justice whenever the Chief
17 Justice participates.

18 (2) **APPELLATE COURT OF THE UNITED**
19 **STATES.**—The term “appellate court of the United
20 States” means any United States circuit court of ap-
21 peals and the Supreme Court of the United States.

22 **SEC. 3. SUNSET.**

23 The authority under section (1)(b) shall terminate on
24 the date that is 3 years after the date of the enactment
25 of this Act.