

**LEGISLATION AFFECTING THE FEDERAL
RULES OF PRACTICE AND PROCEDURE¹
110th Congress**

SENATE BILLS

- *S.186 - Attorney-Client Privilege Protection Act of 2007*
 - Introduced by: Specter
 - Date Introduced: 1/4/07
 - Status: Read twice and referred to the Senate Committee on the Judiciary (1/4/07). Judiciary Committee held hearing (9/18/07).
 - Related Bills: H.R. 3013
 - Key Provisions:
 - Section 3 amends **18 U.S.C. Chapter 201** by adding a new § 3014 that prohibits a federal agent or attorney in a federal investigation, civil enforcement matter, or criminal proceeding from demanding from an organization attorney-client privilege or work product protection materials. Section 3 also prohibits the government from basing its decision to file a charging document in a civil or criminal case on whether: (1) the attorney-client privilege or work product protection is asserted; (2) the organization provides counsel or pay attorney’s fees for counsel appointed to represent an employee of the organization; (3) the organization enters into a joint defense, information sharing, or common-interest agreement with an employee in an investigation or enforcement matter; (4) the sharing of information with an employee in relation to an investigation or enforcement matter involving that employee; and (5) the organization fails to terminate an employee because that employee invoked his or her fifth amendment right against self incrimination or other legal right in response to a government request. Section 3 also states that it does not prohibit an organization from voluntarily offering to share “internal investigation materials of such organization.”

- *S. 344 - To Permit the Televising of Supreme Court Proceedings*
 - Introduced by: Specter
 - Date Introduced: 1/22/07
 - Status: Read twice and referred to the Senate Committee on the Judiciary (1/22/07). Judiciary Committee held hearing (2/14/07). Senate Judiciary Committee reported favorably (12/6/07).

¹The Congress has authorized the federal judiciary to prescribe the rules of practice, procedure, and evidence for the federal courts, subject to the ultimate legislative right of the Congress to reject, modify, or defer any of the rules. The authority and procedures for promulgating rules are set forth in the Rules Enabling Act. 28 U.S.C. §§ 2071-2077.

- Related Bills: S. 352, H.R. 1299

- Key Provisions:

- Section 1 amends **Chapter 45, Title 28, U.S.C.**, requiring the Supreme Court to permit television coverage of all open sessions of the Court unless the Court decides, by a majority vote of all justices, that allowing such coverage in a particular case would violate the due process rights of one or more of the parties.

- *S. 352 - Sunshine in the Courtroom Act of 2007*

- Introduced by: Grassley

- Date Introduced: 1/22/07

- Status: Read twice and referred to the Senate Committee on the Judiciary (1/22/07). Senate Judiciary Committee held hearing (2/14/07). Senate Judiciary Committee approved with amendments by a vote of 10-8 (3/6/08).

- Related Bills: S. 344, H.R. 1299, HR 2128

- Key Provisions:

- Section 2 authorizes the presiding judge of an appellate court to permit the photographing, electronic recording, broadcasting, or televising of any public proceeding over which the judge presides. The presiding judge, however, may not permit the above: (1) in a proceeding involving only the presiding judge if that judge determines that the action would violate the due process rights of any party, or (2) in a proceeding involving more than one judge, a majority of judges determines that the action would violate the due process rights of any party.

Section 2 also authorizes the presiding judge of a district court to permit the photographing, electronic recording, broadcasting, or televising of any public proceeding over which the judge presides. Upon request of any witness in a trial proceeding, the court must order that the face and voice of the witness be disguised. The presiding judge in a trial must inform each witness who is not a party that he or she has the right to request that his or her image or voice may be disguised. The presiding judge must not permit the televising of any juror in a trial.

The Judicial Conference may issue advisory guidelines on the broadcast of court proceedings.

Section 2 contains a sunset provision that terminates the authority of a district court judge to allow the broadcast of district court proceedings three years after enactment of the Act.

[On March 6, 2008, the Senate Judiciary Committee approved S. 352 by a vote of 10-8 after adopting several amendments to the bill: (1) the presiding judge must not allow camera coverage if the judge determines that it would violate the due process rights of any party; (2) the Judicial Conference must promulgate mandatory guidelines on shielding certain witnesses from camera coverage,

including crime victims, families of crime victims, cooperating witnesses, undercover law enforcement officers, witnesses relating to witness relocation and protection, or minors under the age of 18; and (3) nothing in the bill limits the inherent authority of a court to protect witnesses, preserve the decorum and integrity of the legal process, or protect the safety of an individual. An amendment to remove the district courts from the legislation was defeated by a tie vote of 9-9].

- S. 456 - *Gang Abatement and Prevention Act of 2007*

- Introduced by: Feinstein
- Date Introduced: 1/31/07
- Status: Read twice and referred to the Senate Committee on the Judiciary (1/31/07). Hearing held (6/5/07). Committee reported favorably with amendments (6/14/07). Reported with amendment in nature of substitute (7/30/07). Passed the Senate (9/21/07). Referred to the House Judiciary, Energy and Commerce, and Education and Labor Committees (9/24/07). Referred to the House Subcommittee on Healthy Families and Communities (10/17/07).
- Related Bills: S. 990, S. 2237, H.R. 880, H.R. 1582, H.R. 1692, H.R. 3547
- Key Provisions:
 - Section 205 directs the Standing and Evidence Rules Committee to consider “the necessity and desirability of amending section 804(b) of the Federal Rules of Evidence to permit the introduction of statements against a party by a witness who has been made unavailable where it is reasonably foreseeable by that party that wrongdoing would make the declarant unavailable.”

- S. 990 - *Fighting Gangs and Empowering Youth Act of 2007*

- Introduced by: Menendez
- Date Introduced: 3/26/07
- Status: Read twice and referred to the Senate Committee on the Judiciary (3/26/07).
- Related Bills: S. 456, S. 2237, H.R. 880, H.R. 1582, H.R. 1692, H.R. 3547
- Key Provisions:
 - Section 310 amends **Evidence Rule 804(b)(6)** by providing that a “[a] statement offered against a party that has engaged, acquiesced, or conspired, in wrongdoing that was intended to, and did, procure the unavailability of the declarant as a witness.”

- S. 1267 - *Free Flow of Information Act of 2007*

- Introduced by: Lugar
- Date Introduced: 5/2/07
- Status: Read twice and referred to the Senate Committee on the Judiciary (5/2/07).
- Related Bills: H.R. 2102, S. 2035
- Key Provisions:
 - Section 2 provides that a federal entity may not compel a “covered person” to testify or produce documents in any proceeding unless a court determines by a

preponderance of the evidence that: (1) the party seeking the information has exhausted all reasonable alternative sources for the information; (2) in a criminal matter, there are reasonable grounds to believe that a crime has occurred and that the testimony or document sought is essential to the investigation, prosecution, or defense; (3) in a non-criminal matter, the testimony or document sought is essential to the successful completion of that matter; (4) in any matter in which the testimony or document sought could reveal the source's identity, disclosure is necessary to: (a) prevent imminent and substantial harm to national security, (b) prevent imminent death or significant bodily injury, or (c) determine who has disclosed a trade secret of significant value in violation of state or federal law, individually identifiable health information, or nonpublic personal information of any consumer in violation of federal law; and (5) nondisclosure of the information be contrary to public interest. Section 2 also requires that compelled disclosure of testimony or documents be limited and narrowly drawn.

- S. 1749 - *Crime Victims' Rights Rules Act of 2007*

- Introduced by: Kyl
- Date Introduced: 6/29/07
- Status: Read twice and referred to the Senate Committee on the Judiciary (6/29/07).
- Related Bills: None.
- Key Provisions:
 - Section 1 expressed the sense of Congress that the Chief Justice should appoint at least one member on the Committee of Rules of Practice and Procedure and the Advisory Committee on Criminal Rules who is a victims' rights advocate.
 - The legislation amends 33 rules in the Federal Rules of Criminal Procedure that create additional rights for crime victims.

- S. 2035 - *Free Flow of Information Act of 2007*

- Introduced by: Specter
- Date Introduced: 9/10/07
- Status: Read twice and referred to the Senate Committee on the Judiciary (9/10/07). Senate Judiciary Committee reported, with amendments, bill by vote of 15-2 (10/4/07).
- Related Bills: H.R. 2102, S. 1267
- Key Provisions:
 - Section 2 provides that a federal entity may not compel a "covered person" to testify or produce documents in any proceeding unless a court determines by a preponderance of the evidence that: (1) the party seeking the information has exhausted all reasonable alternative sources for the information; (2) in a criminal matter, there are reasonable grounds to believe that a crime has occurred, that the testimony or document sought is essential to the investigation, prosecution, or defense, and any unauthorized disclosure has caused significant, clear, and articulable harm to national security; (3) in a non-criminal matter, the testimony or document sought is essential to the successful completion of that matter; and (4) nondisclosure of the information be contrary to public interest. The content of

any testimony or document compelled under this section must be: (1) limited to the purpose of verifying published information or describing surrounding circumstances relevant to the accuracy of the published information, and (2) be narrowly tailored in subject matter and period of time so as to avoid compelling production of peripheral, nonessential, or speculative information.

— Section 2 does not apply to information obtained as a result of eyewitness observations of criminal conduct or commitment of criminal or tortious conduct by the covered person; information necessary to prevent or mitigate death, kidnaping, or substantial bodily harm; and information that a federal court has found by a preponderance of the evidence that would assist in preventing acts of terrorism in the United States or significant harm to national security.

- *S. 2237 - Crime Control and Prevention Act of 2007*

- Introduced by: Biden
- Date Introduced: 10/25/07
- Status: Read twice and referred to the Senate Committee on the Judiciary (10/25/07).
- Related Bills: S. 456, S. 990, H.R. 880, H.R. 1582, H.R. 1692, H.R. 3547
- Key Provisions:
 - Section 245 directs the Judicial Conference to consider “the necessity and desirability of amending section 804(b) of the Federal Rules of Evidence to permit the introduction of statements against a party by a witness who has been made unavailable where it is reasonably foreseeable by that party that wrongdoing would make the declarant unavailable.”

- *S. 2449 - Sunshine in Litigation Act of 2007*

- Introduced by: Kohl
- Date Introduced: 12/11/07
- Status: Read twice and referred to the Senate Committee on the Judiciary (12/11/07). Senate Judiciary Committee approved substitute amendment by a vote of 12-6 (3/6/08).
- Related Bills: H.R. 5884
- Key Provisions:
 - Section 2 amends **28 U.S.C. Chapter 111** by inserting a new section 1660. New section 1660 provides that a court shall not enter an order pursuant to Civil Rule 26(c) that (1) restricts the disclosure of information through discovery, (2) approves a settlement agreement that would limit the disclosure of such agreement, or (3) restricts access to court records in a civil case unless the court makes findings of fact that: (A) such order would not restrict the disclosure of information which is relevant to the protection of public health or safety; or (B)(i) the public interest in the disclosure of potential health or safety hazards is outweighed by a specific and substantial interest in maintaining the confidentiality of the information or records in question; and (ii) the requested protective order is no broader than necessary to protect the privacy interest asserted.

— Section 3 states that the Act takes effect 30 days after enactment or applies only to orders entered in civil actions or agreements entered into on or after the effective date.

[The substitute amendment added two provisions to the original bill: (1) there is a rebuttable presumption that the interest in protecting a person's financial, health, or other similar information outweighs the public interest in disclosure, and (2) the bill must not be construed to permit, require, or authorize the disclosure of classified information.]

- *S.2450 - To amend the Federal Rules of Evidence to address the waiver of the attorney-client privilege and the work product doctrine*
 - Introduced by: Leahy
 - Date Introduced: 12/11/07
 - Status: Read twice and referred to the Senate Committee on the Judiciary (12/11/07). Senate Judiciary Committee approved without amendment (1/31/08). Senate Report No. 110-264 filed (2/25/08).
 - Related Bills: None
 - Key Provisions:
 - Section 1 amends **the Federal Rules of Evidence** by adding a new Evidence Rule 502 on waiver of attorney-client privilege and work product protection. The legislation tracks the language of proposed Evidence Rule 502, as approved by the Judicial Conference of the United States at its September 2007 session.

HOUSE BILLS

- *H.R. 851 -Death Penalty Reform Act of 2007*
 - Introduced by: Gohmert
 - Date Introduced: 2/6/07
 - Status: Referred to House Committee on the Judiciary (2/6/07).
 - Related Bills: H.R. 1914
 - Key Provision:
 - Section 8 amends **Criminal Rule 24(c)** by permitting the court to empanel up to nine alternate jurors and allowing each side an additional four peremptory challenges when 7-9 alternate jurors are empaneled.
- *H.R. 880 - Gang Deterrence and Community Protection Act of 2007*
 - Introduced by: Forbes
 - Date Introduced: 2/7/07
 - Status: Referred to the House Committee on the Judiciary (2/7/07). Referred to House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security (3/1/07).
 - Related Bills: H.R. 1582, H.R. 1692, H.R. 3547, S. 456, S. 990, S. 2237
 - Key Provisions:

— Section 113 amends **Evidence Rule 804(b)(6)** by codifying the ruling in *United States v. Cherry*, 217 F.3d 811 (10th Cir. 2000), which permits admission of statements of a murdered witness to be introduced against the defendant who caused the unavailability of the witness and members of the conspiracy if such actions were foreseeable by conspirators.

- H.R. 1012 - *Small Business Growth Act of 2007*
 - Introduced by: Buchanan
 - Date Introduced: 2/13/07
 - Status: Referred to the House Committees on Education and Labor, Small Business, Judiciary, Oversight and Government Reform, and Ways and Means (2/13/07). Referred to House Judiciary Subcommittee on Courts, the Internet, and Intellectual Property (3/19/07). Referred to the House Subcommittee on Health, Employment, Labor and Pensions (6/5/07).
 - Related Bills: None
 - Key Provisions:
 - Title IV amends **Civil Rule 11** by: (1) imposing additional, mandatory sanctions on attorneys, law firms, and parties; (2) making the rule applicable in state cases affecting interstate commerce; (3) imposing a "three-strike" rule on attorneys who commit multiple violations of the rule; (4) creating a presumption of a rule violation when the same issue is relitigated; (5) providing enhanced sanctions for the willful and intentional destruction of documents in a pending federal court proceeding; and (6) by limiting a court's discretion in sealing a Rule 11 proceeding.

- H.R. 1299 - *To Permit the Televising of Supreme Court Proceedings*
 - Introduced by: Poe
 - Date Introduced: 3/1/07
 - Status: Referred to the House Committee on the Judiciary (3/1/07).
 - Related Bills: S. 344, S. 352, H.R. 2128
 - Key Provisions:
 - Section 1 amends **28 U.S.C. Chapter 45** by inserting a new section 678 requiring the Supreme Court to permit television coverage of all open sessions of the Court unless the Court decides, by a majority vote of all justices, that allowing such coverage in a particular case would violate the due process rights of one or more of the parties.

- H.R. 1582 - *Gang Abatement and Prevention Act of 2007*
 - Introduced by: Schiff
 - Date Introduced: 3/20/07
 - Status: Read twice and referred to the House Committee on the Judiciary (3/20/07). Referred to the House Subcommittee on Crime, Terrorism, and Homeland Security (4/20/07).
 - Related Bills: H.R. 880, H.R. 1692, H.R. 3547, S. 456, S. 990, S. 2237

- Key Provisions:
 - Section 205 directs the Standing and Evidence Rules Committee to consider “the necessity and desirability of amending section 804(b) of the Federal Rules of Evidence to permit the introduction of statements against a party by a witness who has been made unavailable where it is reasonably foreseeable by that party that wrongdoing would make the declarant unavailable.”

- H.R. 1592 - *Local Law Enforcement Hate Crimes Prevention Act of 2007*
 - Introduced by: Schiff
 - Date Introduced: 3/20/07
 - Status: Read twice and referred to the House Committee on the Judiciary (3/20/07). Reported (Amended) by the Committee on Judiciary. H. Rept. 110-113. (4/30/2007). Passed by the House by a vote of 237-180 (5/3/2007). Received in the Senate, read twice, and referred to the Committee on the Judiciary (5/7/2007).
 - Related Bills: None
 - Key Provisions:
 - Section 6 amends **Chapter 13, Title 18, U.S.C.**, by including the following provision: “In a prosecution for an offense under this section, evidence of expression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense. However, nothing in this section affects the rules of evidence governing impeachment of a witness.”

- H.R. 1692 - *Fighting Gangs and Empowering Youth Act of 2007*
 - Introduced by: Pallone
 - Date Introduced: 3/26/07
 - Status: Read twice and referred to the House Committees on the Judiciary, Education and Labor, and Financial Services (3/26/07). Referred to the House Subcommittee on Housing and Community Opportunity (6/8/07). Referred to House Subcommittee on Healthy Families and Communities (6/27/07).
 - Related Bills: H.R. 880, H.R. 1582, H.R. 3547, S. 456, S.990, S. 2237
 - Key Provisions:
 - Section 310 amends **Evidence Rule 804(b)(6)** by providing that a “[a] statement offered against a party that has engaged, acquiesced, or conspired, in wrongdoing that was intended to, and did, procure the unavailability of the declarant as a witness.”

- H.R. 1914 - *Terrorism Death Penalty Act of 2007*
 - Introduced by: Carter
 - Date Introduced: 4/18/07
 - Status: Referred to House Committee on the Judiciary (4/18/07). Referred to Subcommittee on Crime Terrorism, and Homeland Security (5/4/07).
 - Related Bills: H.R. 851
 - Key Provision:

— Section 3 amends **Criminal Rule 24(c)** by permitting the court to empanel up to nine alternate jurors and allowing each side an additional four peremptory challenges when 7-9 alternate jurors are empaneled.

- H.R. 2102 - *Free Flow of Information Act of 2007*

- Introduced by: Boucher

- Date Introduced: 5/2/07

- Status: Read twice and referred to the House Committee on the Judiciary (5/2/07).

Hearing held (6/14/07). Committee held markup session and ordered reported (8/1/07).

House passed bill with amendment below by vote of 398-21 (10/16/07).

- Related Bills: S. 1267, S. 2035

- Key Provisions:

— Section 2 provides that a federal entity may not compel a “covered person” to testify or produce documents in any proceeding unless a court determines by a preponderance of the evidence that: (1) the party seeking the information has exhausted all reasonable alternative sources for the information; (2) in a criminal matter, there are reasonable grounds to believe that a crime has occurred and that the testimony or document sought is essential to the investigation, prosecution, or defense; (3) in a non-criminal matter, the testimony or document sought is essential to the successful completion of that matter; (4) in any matter in which the testimony or document sought could reveal the source’s identity, disclosure is necessary to: (a) prevent imminent and substantial harm to national security, (b) prevent imminent death or significant bodily injury, or (c) determine who has disclosed a trade secret of significant value in violation of state or federal law, individually identifiable health information, or nonpublic personal information of any consumer in violation of federal law; and (5) nondisclosure of the information be contrary to public interest. Section 2 also requires that compelled disclosure of testimony or documents be limited and narrowly drawn.

[The Boucher/Pence amendment limits the scope of a journalist’s protection by: (1) allowing disclosure of information to prevent or identify the perpetrator of a terrorist attack or harm to national security; (2) allowing disclosure of the identity of a person involved in leaking properly classified information; (3) permitting law enforcement officers to seek a court order compelling production of documents and information obtained as the result of eyewitness observations of alleged criminal or tortious conduct; (4) limiting coverage to a person who “regularly” engages in the listed journalistic activities and including exceptions to the definition of “covered person.”]

- H.R. 2128 - *Sunshine in the Courtroom Act of 2007*

- Introduced by: Chabot

- Date Introduced: 5/3/07

- Status: Read twice and referred to the House Committee on the Judiciary (5/3/07).

Referred to the House Subcommittee on Courts, the Internet, and Intellectual Property

(6/4/07). Subcommittee discharged (9/20/07). Judiciary Committee held hearing (9/27/07). Committee held markup session and ordered bill to be reported favorably by vote of 17-11 (10/24/07).

- Related Bills: S. 344, S. 352, H.R. 1299

- Key Provisions:

- Section 2 authorizes the presiding judge of an appellate court to permit the photographing, electronic recording, broadcasting, or televising of any public proceeding over which the judge presides. The presiding judge, however, may not permit the above: (1) in a proceeding involving only the presiding judge if that judge determines that the action would violate the due process rights of any party, or (2) in a proceeding involving more than one judge, a majority of judges determines that the action would violate the due process rights of any party.

Section 2 also authorizes the presiding judge of a district court to permit the photographing, electronic recording, broadcasting, or televising of any public proceeding over which the judge presides. Upon request of any witness in a trial proceeding, the court must order that the face and voice of the witness be disguised. The presiding judge in a trial must inform each witness who is not a party that he or she has the right to request that his or her image or voice may be disguised. The presiding judge must not permit the televising of any juror in a trial.

The Judicial Conference may issue advisory guidelines on the broadcast of court proceedings.

Section 2 contains a sunset provision that terminates the authority of a district court judge to allow the broadcast of district court proceedings three years after enactment of the Act.

- H.R. 2286 - *Bail Bond Fairness Act of 2007*

- Introduced by: Wexler

- Date Introduced: 5/10/07

- Status: Read twice and referred to the House Committee on the Judiciary (5/10/07). Referred to House Subcommittee on Crime, Terrorism, and Homeland Security (6/1/07). Subcommittee held markup session (6/12/07). Committee considered, held markup session, and ordered reported by voice vote (6/13/07). House Report 110-208 filed (6/22/07). House passed by voice vote (6/25/07). Received in Senate, read twice, and referred to Committee on the Judiciary (6/26/07).

- Related Bills: None

- Key Provisions:

- Section 3 amends **Criminal Rule 46(f)(1)** limiting the authority of the court to declare bail forfeited. (Criminal Rule 46(f)(1) provides that the court must declare bail forfeited if a person breached a condition of the bail bond. H.R. 2286 amends the rule to limit the court's authority to declare bail forfeited only where

the person actually fails to appear physically before a court as ordered, and not where the person violates some other collateral condition of release.)

- H.R. 2325 - *Court and Law Enforcement Officers Protection Act of 2007*
 - Introduced by: Gohmert
 - Date Introduced: 5/15/07
 - Status: Read twice and referred to the House Committee on the Judiciary (5/15/07). Referred to House Subcommittee on Crime, Terrorism, and Homeland Security (6/4/07).
 - Related Bills: None
 - Key Provisions:
 - Section 7(c) amends Rule 11 of the Rules Governing Section 2254 Cases in the United States District Courts by adding at the end the following: “Rule 60(b)(6) of the Federal Rules of Civil Procedure does not apply to proceedings under these rules.”

- H.R. 3013 - *Attorney-Client Privilege Protection Act of 2007*
 - Introduced by: Scott
 - Date Introduced: 7/12/07
 - Status: Read twice and referred to the House Committee on the Judiciary (7/12/07). Referred to the House Judiciary Committee Subcommittee on Crime, Terrorism, and Homeland Security (7/20/07). Markup session held and subcommittee forwarded to full committee by voice vote (7/24/07). Judiciary Committee held mark-up session and ordered reported by voice vote (8/1/07). House Report No. 110-445 filed (11/13/07). Passed House by voice vote (11/13/07).
 - Related Bills: S. 186
 - Key Provisions:
 - Section 3 amends **18 U.S.C. Chapter 201** by adding a new § 3014 that prohibits a federal agent or attorney in a federal investigation, civil enforcement matter, or criminal proceeding from demanding from an organization attorney-client privilege or work product protection materials. Section 3 also prohibits the government from basing its decision to file a charging document in a civil or criminal case on whether: (1) the attorney-client privilege or work product protection is asserted; (2) the organization provides counsel or pay attorney’s fees for counsel appointed to represent an employee of the organization; (3) the organization enters into a joint defense, information sharing, or common-interest agreement with an employee in an investigation or enforcement matter; (4) the sharing of information with an employee in relation to an investigation or enforcement matter involving that employee; and (5) the organization fails to terminate an employee because that employee invoked his or her fifth amendment right against self incrimination or other legal right in response to a government request. Section 3 also states that it does not prohibit an organization from voluntarily offering to share “internal investigation materials of such organization.”

- H.R. 3147 - *Counter-Terrorism and National Security Act of 2007*
 - Introduced by: Wilson
 - Date Introduced: 7/24/07
 - Status: Read twice and referred to the House Committee on the Judiciary (7/24/07). Referred to House Subcommittee on Crime, Terrorism, and Homeland Security (8/10/07).
 - Related Bills: None
 - Key Provisions:
 - Section 9 amends **Criminal Rule 41(b)(3)** giving magistrate judges authority to issue search warrants in certain multidistrict terrorism investigation cases.

- H.R. 3547 - *Gang Prevention, Intervention, and Suppression Act of 2007*
 - Introduced by: Schiff
 - Date Introduced: 9/17/07
 - Status: Read twice and referred to the House Committees on the Judiciary and Education and Labor (9/17/07). Referred to the House Subcommittee on Healthy Families and Communities (10/17/07).
 - Related Bills: S. 456, S. 990, S. 2237, H.R. 880, H.R. 1582, H.R. 1692, H.R. 3547
 - Key Provisions:
 - Section 204 directs the Judicial Conference to study **Evidence Rule 804(b)** “to determine the necessity and desirability of amending that section, including the possible expansion of section 804(b)(6), and shall make modifications as the Judicial Conference sees fit.”

- H.R. 4302 - *To Amend Title 18, United States Code, to Require the Reading in Open Court in Criminal Cases of Crime Victims’ Rights*
 - Introduced by: Chabot
 - Date Introduced: 12/6/07
 - Status: Read twice and referred to the House Committee on the Judiciary (12/6/07). Referred to the House Subcommittee on Crime, Terrorism, and Homeland Security (1/14/08).
 - Related Bills: None
 - Key Provisions:
 - The bill amends 18 U.S.C. § 3771(b) by requiring the trial judge to read in open court the rights of crime victims at the start of every criminal proceeding or at sentencing.

- H.R. 5884 - *Sunshine in Litigation Act of 2008*
 - Introduced by: Wexler
 - Date Introduced: 4/23/08
 - Status: Read twice and referred to the House Committee on the Judiciary (4/23/08).
 - Related Bills: S. 2449
 - Key Provisions:
 - Section 2 amends **28 U.S.C. Chapter 111** by inserting a new section 1660.

New section 1660 provides that a court shall not enter an order pursuant to Civil Rule 26(c) that (1) restricts the disclosure of information through discovery, (2) approves a settlement agreement that would limit the disclosure of such agreement, or (3) restricts access to court records in a civil case unless the court makes findings of fact that: (A) such order would not restrict the disclosure of information which is relevant to the protection of public health or safety; or (B)(i) the public interest in the disclosure of potential health or safety hazards is outweighed by a specific and substantial interest in maintaining the confidentiality of the information or records in question; and (ii) the requested protective order is no broader than necessary to protect the privacy interest asserted.

— Section 2 also provides: (1) there is a rebuttable presumption that the interest in protecting a person’s financial, health, or other similar information outweighs the public interest in disclosure, and (2) the bill must not be construed to permit, require, or authorize the disclosure of classified information.]

— Section 3 states that the Act takes effect 30 days after enactment or applies only to orders entered in civil actions or agreements entered into on or after the effective date.

SENATE RESOLUTIONS

- S.J. Res.

HOUSE RESOLUTIONS

- H.J. Res. 66 - *Proposing an Amendment to the Constitution of the United States to establish and protect the Rights of Victims of Violent Crimes*

- Introduced by: Chabot
- Date Introduced: 12/6/07
- Status: Read twice and referred to the House Committee on the Judiciary (12/6/07).
- Related Bills: None
- Key Provisions:
 - The bill proposes an amendment to the Constitution providing for rights of crime victims.