

1 S.152

2 Introduced by Senator Sears

3 Referred to Committee on

4 Date:

5 Subject: Court procedure; conduct of trial; presumption of public access

6 Statement of purpose of bill as introduced: This bill proposes to require that
7 trials be public unless the court makes written findings justifying closure.

8 An act relating to public access to trials

9 It is hereby enacted by the General Assembly of the State of Vermont:

10 Sec. 1. 12 V.S.A. § 1901 is amended to read:

11 § 1901. ~~EXCLUSION~~ PRESUMPTION OF PUBLIC ACCESS

12 ~~When a cause of scandalous or obscene nature is on trial, the presiding~~
13 ~~judge or the justice shall exclude therefrom all minors, unless necessarily~~
14 ~~present as parties or witnesses, and in his or her discretion, may exclude all~~
15 ~~persons not so present.~~ Unless otherwise provided by law, there shall be a
16 presumption that trials are open to the public. The court shall not close trial
17 proceedings and exclude members of the public unless the court makes written
18 findings on the record that closure is essential to serve a compelling interest
19 and is narrowly tailored to serve that interest.

- 1 Sec. 2. EFFECTIVE DATE
- 2 This act shall take effect on passage.