

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 922 Session of
2013

INTRODUCED BY KRIEGER, BLOOM, SACCONI, CAUSER, SAYLOR, STERN,
MILLARD, AUMENT, READSHAW, BENNINGHOFF, BARRAR, COX, DAY,
KAUFFMAN, TALLMAN, GIBBONS, GABLER, GILLEN, QUINN, METCALFE,
CLYMER, MCGINNIS, HESS, KORTZ, MICOZZIE, OBERLANDER,
LAWRENCE, RAPP AND REGAN, MARCH 11, 2013

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 11, 2013

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for parties and
3 records in legal actions concerning public interest.

4 The General Assembly finds and declares as follows:

5 (1) The First Amendment to the Constitution of the
6 United States provides that "Congress shall make no law
7 respecting an establishment of religion, or prohibiting the
8 free exercise thereof; or abridging the freedom of speech, or
9 of the press; or the right of the people peaceably to
10 assemble, and to petition the Government for a redress of
11 grievances." Sections 3 and 7 of Article I of the
12 Constitution of Pennsylvania also provide similar rights.

13 (2) These constitutional provisions guarantee the right
14 of the people to religious practice without government
15 interference, as well as to the right to unfettered self-
16 expression.

17 (3) Religious expression in public places has been

1 prevalent in this nation and this Commonwealth for
2 generations, from the founding of this Commonwealth by
3 William Penn onward to modern times. Indeed, religious
4 symbols are prominently displayed in public places such as in
5 the chambers of both the Pennsylvania Senate and the House of
6 Representatives, as well as through a mural of Moses
7 receiving the Law adorning the chamber of the Pennsylvania
8 Supreme Court.

9 (4) The freedom of individual self-expression extends to
10 prohibiting government from limiting the stock of information
11 from which members of the public may draw. Free speech
12 carries with it the freedom to listen, receive information
13 and monitor the government in the process of its work.

14 (5) These guarantees prevent the government from closing
15 the courtroom doors in matters of important public interest,
16 such as where the cherished tradition of religious expression
17 in public life is contested by those who wish to erase
18 religion from public property. Indeed, the public right of
19 access to government proceedings, including court
20 proceedings, is inherent in our democratic form of
21 government. Allowing the public to access the courts and
22 judicial records casts a bright light upon the judicial
23 process and helps to prevent injustice, incompetence, perjury
24 and fraud.

25 The General Assembly of the Commonwealth of Pennsylvania
26 hereby enacts as follows:

27 Section 1. Title 42 of the Pennsylvania Consolidated
28 Statutes is amended by adding a section to read:

29 § 5112. Parties and records in legal actions concerning public
30 interest.

1 Notwithstanding any other provision of law to the contrary,
2 in a suit to suppress, remove or otherwise inhibit the display
3 or use of religious symbols in public locations, including
4 public schools, the court shall not permit a party to
5 participate by pseudonym and shall not seal the records in the
6 case absent a showing, by clear and convincing evidence, that a
7 party would otherwise suffer serious physical harm.

8 Section 2. This act shall take effect in 60 days.