

119TH CONGRESS
2D SESSION

S. _____

To prohibit recording or broadcasting military executions and to prohibit
the use of Federal funds for public executions.

IN THE SENATE OF THE UNITED STATES

Mr. KELLY introduced the following bill; which was read twice and referred
to the Committee on _____

A BILL

To prohibit recording or broadcasting military executions
and to prohibit the use of Federal funds for public execu-
tions.

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 “No Public Executions
5 in America Act”.

6 **SEC. 2. PROHIBITION ON RECORDING OR BROADCASTING**
7 **MILITARY EXECUTIONS.**

8 Subchapter IX of chapter 47 of title 10, United
9 States Code is amended by inserting after section 870 the
10 following new section:

1 **“§ 871. Art. 71. Prohibition on recording or broad-**
2 **casting executions**

3 “(a) IN GENERAL.—No officer, employee, or agent
4 of the United States, or any person acting under the au-
5 thority or direction of the Department of Defense, may,
6 with respect to the execution of any person sentenced to
7 death under this chapter, knowingly—

8 “(1) photograph, film, videotape, make an
9 audio recording of, or otherwise create an audio or
10 visual recording or depiction of, the execution;

11 “(2) broadcast, transmit, stream, or otherwise
12 make available to the public, in real time or on a de-
13 layed basis, an audio or visual recording or depiction
14 of the execution; or

15 “(3) publish, post, upload, distribute, or cause
16 to be distributed to the public an audio or visual re-
17 cording or depiction of the execution, including
18 through a Federal Government website, television
19 broadcast, digital platform or interface, nongovern-
20 ment website, or other electronic communications
21 service.

22 “(b) APPLICATION.—The prohibitions under para-
23 graphs (2) and (3) subsection (a) shall apply without re-
24 gard to whether an audio or visual recording or depiction
25 of an execution—

26 “(1) is recorded, stored, or preserved; or

1 “(2) is made by a person acting with the au-
2 thorization of the Department of Defense.

3 “(c) LIMITED EXCEPTION FOR OFFICIAL USE.—

4 “(1) IN GENERAL.—The Secretary of Defense
5 may authorize the creation and retention of an audio
6 or visual recording or depiction of the execution of
7 a person sentenced to death under this chapter sole-
8 ly for official use, including for an investigation, ju-
9 dicial proceeding, oversight by Congress, or archival
10 and historical purposes.

11 “(2) PROHIBITION ON PUBLIC DISSEMINA-
12 TION.—A recording or depiction created under para-
13 graph (1) may not be publicly disseminated except
14 pursuant to a court order or an Act of Congress.”.

15 **SEC. 3. NO FEDERAL FUNDS FOR PUBLIC EXECUTIONS.**

16 No Federal funds may be obligated, expended, or oth-
17 erwise used to photograph, film, record, broadcast, pub-
18 lish, or otherwise disseminate to the public any audio or
19 visual recording or depiction of the execution of any per-
20 son sentenced to death under chapter 47 of title 10,
21 United States Code (the Uniform Code of Military Jus-
22 tice) or any other provision of Federal law, unless ex-
23 pressly authorized by an Act of Congress enacted after
24 the date of the enactment of this Act or pursuant to a
25 court order.

1 **SEC. 4. EFFECTIVE DATE; APPLICABILITY.**

2 This Act and amendments made by section 2 of this
3 Act shall—

4 (1) take effect on the date of the enactment of
5 this Act; and

6 (2) apply to any execution carried out on or
7 after that date, without regard to the date on which
8 the sentence of death was imposed or approved by
9 the President.