

152789

**LEGISLATION LIMITING THE RELEASE OF  
IDENTIFYING INFORMATION CONCERNING CHILD  
ABUSE VICTIMS IN CRIMINAL PROCEEDINGS**

**Current through December 31, 1993**

152789

U.S. Department of Justice  
National Institute of Justice

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The National Center for Prosecution of Child Abuse is a program of American Prosecutors Research Institute, the non-profit affiliate of the National District Attorneys Association. This paper was prepared under Grant Number 93-CI-CX-K001, awarded by the Office of Victims of Crime, U.S. Department of Justice. Points of view or opinions are those of the presenters and do not necessarily represent the official position of the U.S. Department of Justice.

The National Center for Prosecution of Child Abuse maintains a collection of state statutes and relevant case law covering more than 40 areas of criminal child abuse and neglect. This compilation and others listed below represent a unique, comprehensive and up-to-date summary of state legislation significant to child abuse prosecution. The collection is updated annually and expands with the passage of new state legislation and major appellate decisions. The following summaries can be ordered from Publications, American Prosecutors Research Institute, 99 Canal Center, Suite 510, Alexandria VA 22314 (FAX: 703/549-6259):

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We are especially grateful to Gina Cirincion and Renee Kostick for their assistance with this compilation. Thanks also to Amanda Carnevale, Toni Dixon, Holly Streeter, and Kelly Throne for their valuable contribution.

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Staff Attorney  
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**Legislation Limiting the Release of Identifying Information  
Concerning Child Abuse Victims In Criminal Proceedings\***  
(Current through December 31, 1993)

**STATE STATUTES**

Alabama	Ala. Code § 15-1-2(b) (1985)
Alaska	Alaska Stat. § 12.61.110 (1991)+
Arizona	Ariz. Rev. Stat. Ann. § 13-4401(18) (1991)+ Ariz. Rev. Stat. Ann. § 13-4434 (1991)+
California	Cal. Evid. Code § 352.1 (1985)+ Cal. Penal Code § 293 (1993)+ Cal. Penal Code § 293.5 (1992)+
Connecticut	Conn. Gen. Stat. Ann. § 1-19(b) (1991) Conn. Gen. Stat. Ann. § 54-86d (1993)+ Conn. Gen. Stat. Ann. § 54-86e (1993)+
Delaware	Del. Code Ann. tit. 11 § 9403 (1993)+
Florida	Fla. Stat. Ann. § 119.07(h) (1993) Fla. Stat. Ann. § 794.03 (1991)+
Georgia	Ga. Code. Ann. § 16-6-23 (1968)+
Idaho	Idaho Code § 19-5306 (1989)+
Illinois	725 Ill. Comp. Stat. Ann. §§ 190/1 through 190/3 (1992)
Indiana	Ind. Code § 35-37-4-12 (1991)+
Iowa	Iowa Code Ann. § 910A.13 (1986)
Louisiana	La. Rev. Stat. Ann. § 44:3(d) (1991)+
Maine	Me. Rev. Stat. Ann. tit. 30-A, § 288 (1989)
Maryland	Md. Cts. & Jud. Proc. Code Ann. § 9-501 (1985)+

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\* This compilation includes all statutes (excluding military and tribal statutes) that require the identity of a child victim/witness in a criminal proceeding to be withheld from the record or the public. The citation date refers to the year of passage or latest amendment.

+ Applies to victims generally.

Massachusetts	Mass. Gen. Laws Ann. ch. 265, § 24C (1987)+
Michigan	Mich. Comp. Laws Ann. § 750.520k (1974)+
Minnesota	Minn. Stat. Ann. § 609.3471 (1992) Minn. Stat. Ann. § 611A.035 (1987)+
Nevada	Nev. Rev. Stat. § 48.071 (1977)+
New Hampshire	N.H. Rev. Stat. Ann. § 21-M:8-k (1991)+
New Jersey	N.J. Rev. Stat. § 2A:82-46 (1990)
New Mexico	N.M. Stat. Ann. § 31-24-5 (1987)+
New York	N.Y. Civ. Rights Law § 50(b) (1991)+
North Dakota	N.D. Cent. Code § 12.1-34-02(10) (1993)+ N.D. Cent. Code § 12.1-35-03 (1987)
Ohio	Ohio Rev. Code Ann. § 2907.11 (1975)+
Pennsylvania	42 Pa. Cons. Stat. Ann. § 5988 (1986)
Rhode Island	R.I. Gen. Laws § 11-37-8.5 (1985)
South Carolina	S.C. Code Ann. § 16-3-730 (1979)+
South Dakota	S.D. Codified Laws § 23A-6-22 (1983)+
Texas	Tex. Crim. Proc. Code Ann. § 57.02 (1987)+ Tex. Crim. Proc. Code Ann. § 57.03 (1987)+
Washington	Wash. Rev. Code § 7.69A.030(4) (1993) Wash. Rev. Code § 10.52.100 (1992)
Wisconsin	Wis. Stat. Ann. § 904.13 (1985)+ Wis. Stat. Ann. § 904.01 (1974)+
Wyoming	Wyo. Stat. § 6-2-310 (1985)+ Wyo. Stat. § 6-4-403 (1985)+ Wyo. Stat. § 14-3-106 (1983)+

#### **OTHER LEGISLATION**

U.S. Code	18 U.S.C. § 3509(d) (1990)
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+ Applies to victims generally

**Summary of Legislation Limiting the  
Release of Identifying Information  
Concerning Child Abuse Victims In Criminal Proceedings  
(Current through December 31, 1993)**

**ALABAMA**

**Ala. Code § 15-1-2(b) (1985)**

The court records of a child under 18 years of age who is a victim of sexual abuse or exploitation shall not be open to the public, but shall be kept in the same manner as juvenile offender records are kept.

**ALASKA**

**Alaska Stat. 12.61.110 (1991)+**

The residence and business addresses and telephone numbers of a victim of a crime or witness to a crime are confidential. A report, paper, picture, photograph, court file, or other document that relates to a crime and contains the residence or business address or telephone number of a victim or witness, and that is in the custody or possession of a public officer or employee, may not be made available for public inspection unless the residence and business addresses and telephone numbers of all victims and witnesses have been deleted.

**ARIZONA**

**Ariz. Rev. Stat. Ann. § 13-4401(18) (1991)+**

"Victim" means a person against whom a criminal offense was committed, or if the person is killed or incapacitated, the person's spouse, parent, child or other lawful representative.

**Ariz. Rev. Stat. Ann. § 13-4434 (1991)+**

The residences, business addresses, telephone numbers, places of employment or other information that could result in locating the victim, the victim's immediate family or the victim's lawful representative shall not be disclosed unless the victim consents in writing to the disclosure or a court orders disclosure on finding that a compelling need for the information exists. A court proceeding on the motion shall be in camera.

A victim has a right at any court proceeding not to testify regarding the victim's address, telephone numbers, place of employment or other locating information unless the victim consents or the court orders disclosure on finding that a compelling need for the information exists. A court proceeding on the motion shall be in camera.

## CALIFORNIA

### **Cal. Evid. Code § 352.1 (1985)+**

In any criminal proceeding for rape, penetration by foreign objects, sodomy or oral copulation in which the defendant is alleged to have compelled the participation of the victim by force, violence, duress, menace, or threat of great bodily harm, the district attorney may move to exclude from evidence the current address and telephone number of any victim at such hearing. The court may order that evidence of the victim's current address and telephone number be excluded from any hearings conducted pursuant to such criminal proceeding if the court finds that the probative value of such evidence is outweighed by the creation of substantial danger to the victim.

Nothing in this section shall abridge or limit the defendant's right to discover or investigate such information.

### **Cal. Penal Code § 293 (1993)+**

Any employee of a law enforcement agency who personally receives a report from any person alleging that the person making the report has been a victim of a sex offense, shall inform that person that his or her name will become a matter of public record unless he or she requests that it not become a matter of public record pursuant to the Government Code. Any written report of an alleged sex offense shall indicate that the alleged victim has been properly informed pursuant to this section and shall memorialize his or her response. No law enforcement agency shall disclose to any person, except the prosecutor, the name of a person who alleges to be the victim of a sex offense, if that person has elected to exercise his or her right pursuant to this section. No law enforcement agency shall disclose to any person except the prosecutor, the address of a person who alleges to be the victim of a sex offense.

### **Cal. Penal Code § 293.5 (1992)+**

Except as provided otherwise or for cases in which the alleged victim of a sex offense has not elected to exercise his or her right pursuant to the Government Code, the court, at the request of the alleged victim, may order the identity of the alleged victim in all records and during all proceedings to be either Jane or John Doe, if the court finds that such an order is reasonably necessary to protect the privacy of the person and will not unduly prejudice the prosecution or the defense.

## CONNECTICUT

### **Conn. Gen. Stat. Ann. § 1-19(b) (1991)**

Nothing in this section shall be construed to require disclosure of the name and address of the victim of a sexual assault or injury or risk of injury, impairing of morals, or of an attempt thereof.

### **Conn. Gen. Stat. Ann. § 54-86d (1993)+**

A victim of the crimes of sexual assault, injury, risk of injury, impairment of morals, or an attempt thereof, shall not be required to divulge his or her address or telephone number during any trial or pre-trial evidentiary hearings; providing the judge determines the information is not material to the proceedings, the identity of the victim has been satisfactorily

established, and the current address of the victim will be made available to the defense in the same manner and time as such information is made available to the defense for other criminal offenses.

**Conn. Gen. Stat. Ann. § 54-86e (1993)+**

The name and address of a victim of the crimes of sexual assault, injury, risk of injury, impairment of morals, or an attempt thereof, shall be confidential and shall be disclosed only upon an order of the superior court, except that such information shall be available to the accused in the same manner and time as such information is available to those accused of other criminal offenses.

**DELAWARE**

**Del. Code Ann. tit 11 § 9403 (1993)+**

Unless a victim waives confidentiality in writing, either a law-enforcement agency, the prosecutor, not the corrections department may disclose, except among themselves or as authorized by law, the residential address, telephone number or place of employment of the victim or a member of the victim's family, except to the extent that disclosure is of the site of the crime, is required by law or the Rules of Criminal Procedure, is necessary for law-enforcement purposes, or is permitted by the court for good cause.

A court may not compel a victim or a member of the victim's family testifying in a criminal justice proceeding to disclose a residential address or place of employment on the record unless the court finds that disclosure of the information is necessary.

The victim's address, place of employment and telephone number maintained by a court, prosecutor or law-enforcement agency pursuant to this chapter is exempt from disclosure under the Freedom of Information Act.

**FLORIDA**

**Fla. Stat. Ann. § 119.07(h) (1993)**

Any criminal investigative or intelligence information including the photograph, name, address, or other fact or information which reveals the identity of a victim of sexual battery; or the identity of the victim of lewd, lascivious or indecent assault upon or in the presence of a child; or the identity of the victim of child abuse shall be kept confidential. All criminal records, including those portions of court records which may reveal the identity of a victim of sexual offense shall be kept confidential.

**Fla. Stat. Ann. § 794.03 (1991)+**

No person shall print, publish, or broadcast, or cause or allow to be printed, published, or broadcast, in any instrument of mass communication, the name, address, or other identifying fact or information of the victim of any sexual offense.

## GEORGIA

### **Ga. Code Ann. § 16-6-23 (1968)+**

It shall be unlawful for any news media or any other person to print and publish, broadcast, televise, or disseminate through any other medium of public dissemination or cause to be printed or disseminated in Georgia or through any radio or television broadcast originating in Georgia the name or identity of any female who may have been raped or upon whom an assault with intent to commit the offense of rape may have been made.

## IDAHO

### **Idaho Code § 19-5306 (1989)+**

A victim of a felony offense shall have his/her address kept confidential by the court.

## ILLINOIS

### **725 Ill. Comp. Stat. Ann. §§ 190/1 through 190/3 (1992)**

As used in this section, "child" means any person under 18 years of age.

Notwithstanding any other law to the contrary, inspection and copying of law enforcement records maintained by any law enforcement agency or circuit court records maintained by any circuit clerk relating to any investigation or proceeding pertaining to a criminal sexual offense, by any person (except a judge, state's attorney, assistant state's attorney, psychologist, psychiatrist, social worker, doctor, parent, defendant or defendant's attorney) shall exclude the identity of any child who is a victim of such criminal sexual offense.

When a criminal sexual offense is committed or is alleged to have been committed by a school district employee on the premises under the jurisdiction of a public school district or during an official school sponsored activity, a copy of the law enforcement or court records shall be made available for inspection and copying by the superintendent of schools. The superintendent shall be restricted from specifically revealing the name of the victim without written consent of the victim or victim's parent or guardian.

A court may prohibit disclosure only after giving notice and a hearing to all affected parties. In determining whether to prohibit disclosure of the minor's identity, the court must consider the best interest of the child and whether nondisclosure would further a compelling state interest.

## INDIANA

### **Ind. Code § 35-37-4-12 (1991)+**

If the physical safety of a victim or the victim's immediate family is in danger, a victim may not be required to give personal information during the course of sworn testimony regarding his/her telephone numbers, place of employment and residential address.



In any hearing to determine the introduction into evidence of such personal information, the court, if it finds an actual danger to the victim or the victim's immediate family exists, may require the party possessing the personal information to disclose the information to the court for in camera review.

## **IOWA**

### **Iowa Code Ann. § 910A.13 (1986)**

Prior to an arrest or the filing of an information or indictment, whichever occurs first, against a person charged with sexual abuse or sexual exploitation of a minor, the identity of the child and any information reasonably likely to disclose the identity of the child shall not be released to the public by any public employee except as authorized by the court of jurisdiction.

In order to protect the welfare of the child, the name of the child and identifying biographical information shall not appear on the information or indictment or any other public record. Instead, a nondescriptive designation shall appear on all public records. The non-public records containing the child's name and identifying biographical information shall be kept by the court. This subsection does not apply to the release of information to an accused or accused's counsel; however, the use of or release of this information by the accused or accused's counsel for purposes other than the preparation of defense constitutes contempt.

A release of information in violation of this section does not bar prosecution or provide grounds for dismissal of charges. A person who willfully violates this section or willfully neglects or refuses to obey a court order made pursuant to this section commits contempt.

## **LOUISIANA**

### **La. Rev. Stat. Ann. § 44:3(d) (1991)+**

Reports of an arrest or investigation shall be public record, except nothing in this statute shall be construed to require the disclosure of information which would reveal the identity of the victim of a sexual offense.

## **MAINE**

### **Me. Rev. Stat. Ann. tit. 30-A, § 288 (1989)**

The legislature finds that publicity given to the identity of minor victims of sexual offenses causes intense shame and humiliation for which abused children are particularly ill-prepared and may cause severe and permanent emotional harm to the victim of such an offense.

District attorneys, their assistants and employees and other law enforcement officials shall refrain from any unnecessary pretrial public disclosure of information that may identify a minor victim of a sexual offense.

## MARYLAND

### **Md. Cts. & Jud. Proc. Code Ann. § 9-501 (1985)+**

On motion of either party during a criminal trial, the judge may prohibit the release of the address or telephone number of the victim or witness, unless the judge determines the information is necessary and relevant.

## MASSACHUSETTS

### **Mass. Gen. Laws Ann. ch. 265, § 24C (1987)+**

Those portions of court or police department records containing the victim's name in an arrest, investigation or complaint for rape or assault with intent to rape shall be withheld from public inspection except with court permission. These portions are not deemed public records.

It is unlawful to publish, disseminate or disclose the name of any alleged victim of rape or assault with intent to rape.

## MICHIGAN

### **Mich. Comp. Laws Ann. § 750.520k (1974)+**

Upon the request of either party or counsel in a criminal sexual conduct or sexual assault prosecution, the court shall order the names of the victim and actor and the details of the offense be suppressed until arraignment, dismissal or the conclusion of the case, whichever occurs first.

## MINNESOTA

### **Minn. Stat. Ann. § 609.3471 (1992)**

Notwithstanding any provision of law to the contrary, no data contained in reports or records relating to petitions, complaints or indictments pursuant to charges of criminal sexual conduct that specifically identifies the victim who is a minor shall be accessible to the public, except by court order. Nothing in this section authorizes denial of access to any other data contained in the records or reports, including the identity of the defendant.

### **Minn. Stat. Ann. § 611A.035 (1987)+**

No victim or witness providing testimony in court proceedings may be compelled to state a home or employment address on the record in open court unless the court finds that the testimony would be relevant evidence.

## NEVADA

### **Nev. Rev. Stat. § 48.071 (1977)+**

In any prosecution for sexual assault, the district attorney may, by written motion upon reasonable prior notice to the accused, move to exclude evidence of the victim's address and telephone number. The court may order that such evidence be excluded from the proceedings if the court finds that the probative value of the evidence is outweighed by the creation of

substantial danger to the victim. This section does not limit the defendant's right to discover or investigate such evidence.

## **NEW HAMPSHIRE**

### **N.H. Rev. Stat. Ann. § 21-M:8-k (1991)+**

To the extent that they can be reasonably guaranteed by the courts and by law enforcement and correctional authorities, and are not inconsistent with the constitutional or statutory rights of the accused, crime victims are entitled to the right of confidentiality of the victim's address, place of employment, and other personal information.

## **NEW JERSEY**

### **N.J. Rev. Stat. § 2A:82-46 (1990)**

In prosecutions for aggravated sexual assault, sexual assault, aggravated criminal sexual contact, criminal sexual contact, or endangering the welfare of children, the name, address and identity of a victim who was under the age of 18 at the time of the alleged commission of the offense shall not appear on the indictment, complaint, or any other public record. In its place initials or a fictitious name shall appear.

Any report statement, photograph, court document, indictment, complaint or any other public record which states the name, address, and identity of a victim shall be confidential and unavailable to the public. Unless authorized pursuant to this section, any person who purposefully discloses, releases or otherwise makes available to the public any of the above-listed documents which contain the name, address and identity of a victim who was under the age of 18 at the time of the alleged offense shall be guilty of a disorderly persons offense.

The information described in this act shall remain confidential and unavailable to the public unless the court, after a hearing, determines that good cause exists for disclosure. The hearing shall be held after notice has been made to the victim, parents of the victim, and to the person charged with the commission of the offense, counsel or guardian of that person.

Nothing contained herein shall prohibit the court from imposing further restrictions with regard to the disclosure of the name, address, and identity of the victim when it deems it necessary to prevent trauma or stigma to the victim.

## **NEW MEXICO**

### **N.M. Stat. Ann. § 31-24-5 (1987)**

"Victim" means a person who suffers direct or indirect physical, emotional or financial harm resulting from the commission or attempted commission of a crime. The term also includes a family member of a victim who is a minor or incompetent or who was a homicide victim.

Law enforcement agencies, prosecutors and judges shall make every reasonable effort to afford victims and witnesses of crime the following right: a victim or witness need not give

personal information during the course of sworn testimony regarding his/her phone number, place of employment, residence or other personal information unless needed to identify the place of the crime. Any motions regarding this information are to be held in camera.

## **NEW YORK**

### **N.Y. Civ. Rights Law § 50(b) (1991)**

The identity of any victim of a sex offense shall be confidential. No report, paper, picture, photograph, court file or other documents, in the custody or possession of any public officer or employee, which identifies such a victim shall be made available for public inspection. No such public officer or employee shall disclose any portion of any police report, court file, or other document, which tends to identify such a victim except as provided in this section.

The provisions of this section shall not be construed to prohibit disclosure of information to:

- any person charged with the commission of a sex offense against the same victim; the counsel or guardian of such person; the public officers and employees charged with the duty of investigating, prosecuting, keeping records relating to the offense, or any other act when pursuing to the lawful discharge of their duties; and any necessary witnesses for either party;
- any person who, upon application to a court having jurisdiction over the alleged sex offense, demonstrates to the satisfaction of the court that good cause exists for disclosure to that person. Such application shall be made upon notice to the victim or other person legally responsible for the care of the victim, and the public officer or employee charged with the duty of prosecuting the offense; or
- any person or agency, upon written consent of the victim or other person legally responsible for the care of the victim, except as may be otherwise required or provided by the order of the court.

The court having jurisdiction over the alleged sex offense may order any restrictions upon disclosure authorized in this section as it deems necessary and proper to preserve the confidentiality of the identity of the person.

Nothing contained in this section shall be construed to require the court to exclude the public from any stage of the criminal proceeding.

## **NORTH DAKOTA**

### **N.D. Cent. Code § 12.1-34-02(10) (1993)**

Victims and witnesses may not be compelled to testify at any pretrial proceeding or at trial for the purpose of identifying their address, telephone number, place of employment, or other personal identification, except for name, without their consent, unless there is a showing of good cause as determined by the court.

**N.D. Cent. Code § 12.1-35-03 (1987)**

In order to protect the child from possible trauma resulting from publicity, the name of the child victim and identifying biographical information may not appear on the indictment or any other public record. Instead, a Jane Doe or Joe Doe designation must appear in all public records. Sealed confidential records containing the child's name and necessary biographical information must be kept in order to ensure that no defendant is charged twice.

**OHIO**

**Ohio Rev. Code Ann. § 2907.11 (1975)**

Upon the request of the victim or offender in a prosecution for rape, importuning (soliciting) or felonious sexual penetration, the judge shall order the names of the parties and the details of the offense obtained by any law enforcement officer suppressed until preliminary hearing, arraignment, dismissal or conclusion of the case, whichever comes first. Nothing herein shall be construed to deny to either party in the case the name and address of the other party or the details of the alleged offense.

**PENNSYLVANIA**

**42 Pa. Cons. Stat. Ann. § 5988 (1986)**

In a prosecution involving a child victim of sexual or physical abuse, unless the court orders otherwise, the name of the child victim shall not be disclosed by officers or employees of the court to the public, and any records revealing the child's name will not be open to public inspection.

**RHODE ISLAND**

**R.I. Gen. Laws § 11-37-8.5 (1985)**

Court records concerning the identity of a victim of child molestation sexual assault shall be confidential and not be made public.

Every agency of state or local government shall protect the confidentiality of documents containing the identity of victims of child molestation sexual assault.

A defendant charged with child molestation sexual assault may make application to the trial court for an order of disclosure of identifying information concerning the child victim in order to prepare his defense. Nothing herein shall be construed to prevent the disclosure of the victim's identity to the defendant at the time of this arraignment, provided that the defendant shall make no disclosure of said identity other than to his attorney and others directly involved in the preparation of his defense. Any disclosure by a defendant other than permitted herein shall constitute contempt.

## **SOUTH CAROLINA**

### **S.C. Code Ann. § 16-3-730 (1979)**

It is a misdemeanor to publish or cause to be published the name of the victim of criminal sexual conduct, except if the publication is made by court order.

## **SOUTH DAKOTA**

### **S.D. Codified Laws § 23A-6-22 (1983)+**

Upon the request of the victim or the accused in a prosecution for rape, incest, or sexual contact, the court shall order that the names of the victim and the accused and details of the alleged offense be suppressed until the accused is arraigned, the charge is dismissed, or the case is otherwise concluded, whichever occurs first.

## **TEXAS**

### **Tex. Crime. Proc. Code Ann. § 57.02 (1987)**

The Sexual Assault Prevention and Crisis Services Program of the Texas Department of Health shall develop and distribute to all law enforcement agencies of the state a pseudonym form to record the name, address, telephone number, and pseudonym of a victim.

A victim may choose a pseudonym to be used instead of the victim's name to designate the victim in all public files and records concerning the offense, including police summary reports, press releases, and records of judicial proceedings. A victim who elects to use a pseudonym as provided by this article must complete a pseudonym form developed under this article and return the form to the law enforcement agency investigating the offense.

A victim who completes and returns a pseudonym form to a law enforcement agency investigating the offense may not be required to disclose the victim's name, address, and telephone number in connection with the investigation or prosecution of the offense.

A completed and returned pseudonym form is confidential and may not be disclosed to any person other than a defendant in the case or the defendant's attorney, except on an order of a court of competent jurisdiction. The court finding required by this article is not required to disclose the confidential pseudonym form to the defendant in the case or to the defendant's attorney.

If a victim completes and returns a pseudonym form to a law enforcement agency under this article, the law enforcement agency receiving the form shall remove the victim's name and substitute the pseudonym for the name on all reports, files, and records in the agency's possession, notify the attorney for the state of the pseudonym and that the victim has elected to be designated by the pseudonym, and maintain the form in a manner that protects the confidentiality of the information contained on the form.

An attorney for the state who receives notice that a victim has elected to be designated by a pseudonym shall ensure that the victim is designated by the pseudonym in all legal proceedings concerning the offense.

A court of competent jurisdiction may order the disclosure of a victim's name, address, and telephone number only if the court finds that the information is essential in the trial of the defendant for the offense or the identity of the victim is in issue.

**Tex. Crime. Proc. Code Ann. § 57.03 (1987)**

A public servant with access to name, address, or telephone number of a victim who has chosen to be designated by a pseudonym commits an offense if the public servant intentionally or knowingly discloses the name, address, or telephone number of the victim to any person who is not assisting in the investigation or prosecution of the offense or to any person other than the defendant, the defendant's attorney, or the person specified in the order of a court of competent jurisdiction.

**VIRGINIA**

**Va. Code Ann. § 19.2-269.2 (1989)+**

During any criminal proceeding, upon motion of the defendant or the attorney for the Commonwealth, a judge may prohibit testimony as to the current address or telephone number of a victim or witness if the judge determines that this information is not material under the circumstances of the case.

**WASHINGTON**

**Wash. Rev. Code § 7.69A.030(4) (1993)**

Child victims and witnesses have the right not to have their names, addresses or photographs disclosed by any law enforcement agency, prosecutor's office or state agency without the permission of the child victim, child witness, parents, or legal guardians to anyone except another law enforcement agency, prosecutor, defense counsel or private or government agency that provides services to child victims or witnesses.

**Wash. Rev. Code § 10.52.100 (1992)**

Child victims of sexual assault who are under the age of eighteen, have a right not to have disclosed to the public or press at any court proceeding involved in the prosecution of the sexual assault, the child victim's name, address, location, photographs, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. The court shall ensure that information identifying the child victim is not disclosed to the press or public and that in the event of any improper disclosure the court shall make all necessary orders to restrict further dissemination of identifying information improperly obtained. Court proceedings include but are not limited to pretrial hearings, trial, sentencing, and appellate proceedings.

**WISCONSIN**

**Wis. Stat. Ann. § 904.13 (1985)**

In any criminal proceeding, evidence of the victim's or his family's address, name, or address of their place of employment is relevant only if it meets the criteria under § 904.01 (below). District Attorneys must make appropriate objections if this information is being elicited by any party and is not relevant to the action or proceeding.

**Wis. Stat. Ann. § 904.01 (1974)**

"Relevant evidence" is evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.

**WYOMING**

**Wyo. Stat. § 6-2-310 (1985)**

Prior to the filing of an information or indictment, neither the names of the alleged actor or victim of a sexual assault nor any other information likely to disclose the identity of the victim shall be released or negligently allowed to be released to the public by any public employee except as authorized by the judge. The actor's name may be released to the public to aid or facilitate an arrest.

After the filing of an information or indictment and upon the request of a minor victim or another acting on behalf of a minor victim, the trial court may, to the extent necessary to protect the welfare of the minor victim, restrict the disclosure or publication of information reasonably likely to identify the minor victim.

A release of a name or other information to the public in violation of this section shall not bar the prosecution of an actor nor be grounds for dismissal of any charges against the actor.

"Minor victim" means a person under the age of 19 years.

**Wyo. Stat. § 6-4-403 (1985)**

Prior to the filing of an information or indictment charging child prostitution, indecent acts, or child endangerment, neither the name of the person accused or the victim nor any other information reasonably likely to disclose the identity of the victim shall be released or negligently allowed to be released to the public by any public employee, except as authorized by the judge or justice with jurisdiction over the criminal charges. The name of the person accused may be released to the public to aid or facilitate an arrest.

After the filing of an information or indictment and upon the request of a minor victim or another acting on behalf of a minor victim, the trial court may, to the extent necessary to protect the welfare of the minor victim, restrict the disclosure or publication of information reasonably likely to identify the minor victim.

A release of a name or other information to the public in violation of the proscriptions of this section shall not stand as a bar to the prosecution of a defendant or be grounds for dismissal of any charges against a defendant.

"Minor victim" means a person under the age of 16 years.

**Wyo. Stat. § 14-3-106 (1983)**

Prior to the filing of an information or indictment charging solicitation of a minor or indecent acts, neither the names of the person accused or the victim nor any other information reasonably likely to disclose the identity of the victim shall be released or negligently allowed



to be released to the public by any public employee except as authorized by the judge or justice with jurisdiction over the criminal charges. The name of the person accused may be released to the public to aid or facilitate an arrest.

After the filing of an information or indictment and upon the request of a minor victim or another acting on behalf of a minor victim, the trial court may, to the extent necessary to protect the welfare of the minor victim, restrict the disclosure or publication of information reasonably likely to identify the minor victim.

"Minor victim" means a person under the age of 19 years.

## **OTHER LEGISLATION**

### **U.S. CODE**

#### **18 U.S.C. § 3509(d) (1990)**

A person acting in a capacity described below in connection with a criminal proceeding shall keep all documents that disclose the name or any other information concerning a child in a secure place to which no person who does not have reason to know their contents has access; and disclose those documents only to persons who, by reason of their participation in the proceeding, have reason to know such information.

This section applies to all employees of the Government connected to the case, including employees of the Department of Justice, any law enforcement agency involved in the case, and any person hired by the government to provide assistance in the proceeding; employees of the court; the defendant and employees of the defendant, including the attorney for the defendant and persons hired by the defendant or the attorney for the defendant to provide assistance in the proceeding; and members of the jury.

All papers to be filed in court that disclose the name of or any other information concerning a child shall be filed under seal without necessity of obtaining a court order. On motion by any person, the court may issue an order protecting a child from public disclosure of the name of or any other information concerning the child in the course of the proceedings, if the court determines that there is a significant possibility that such disclosure would be detrimental to the child.

A protective order may provide that the testimony of a child witness, and the testimony of any other witness, when the attorney who calls the witness has reason to anticipate that the name of or any other information concerning a child may be divulged in the testimony, be taken in a closed courtroom, and provide for any other measures that may be necessary to protect the privacy of the child.

This section does not prohibit disclosure of the name of or other information concerning a child to the defendant, the attorney for the defendant, a multidisciplinary child abuse team, a guardian ad litem, or an adult attendant, or to anyone to whom, in the opinion of the court, disclosure is necessary to the welfare and well-being of the child.

## **National Center for Prosecution of Child Abuse**

The National Center for Prosecution of Child Abuse was founded by the American Prosecutors Research Institute in 1985 in response to dramatic increases in child abuse cases reported to law enforcement. Its mission is to improve the investigation and prosecution of child abuse through professional specialization, court reform and interagency coordination.

By demanding full accountability for the crime of child abuse along with comprehensive support services for the child, the Center reflects the commitment of prosecutors to a particularly vulnerable group of victims. The Center is serving prosecutors' needs by providing:

**Expert training and technical assistance** through national and regional training conferences, on-site visits and phone consultations. Experienced trial and staff attorneys review cases, offer strategic guidance and forward up-to-date litigation and background documents in response to over 3,000 callers each year. In-depth training is provided to interdisciplinary audiences at some 70 conferences per year.

**Clearinghouse on child abuse case law, statutory initiatives, court reforms and trial strategies.** The Center maintains the only comprehensive collection of criminal child abuse case law and statutes--a continually updated and expanded resource. Written materials are supplemented by computer access to legal, medical and social service data bases.

**Authoritative publications** including the highly acclaimed guide, *Investigation and Prosecution of Child Abuse*, the informative monthly newsletter, *Update*, and a monograph series examining special issues.

**Research** on reducing trauma in court for child sexual abuse victims, child abuse fatalities, drug-affected children and parental abduction. The Center works closely with researchers, local prosecutors and specialists in exploring new avenues to protect children from abuse.

For information, write or call the National Center for Prosecution of Child Abuse, American Prosecutors Research Institute, 99 Canal Center, Suite 510, Alexandria, VA 22314, 703/739-0321. FAX: 703/549-6259.