

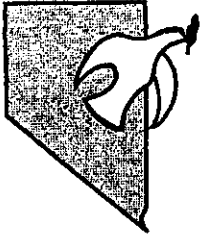
DISCLAIMER

Electronic versions of the exhibits in these minutes may not be complete.

This information is supplied as an informational service only and should not be relied upon as an official record.

Original exhibits are on file at the Legislative Counsel Bureau Research Library in Carson City.

Contact the Library at (775) 684-6827 or library@lcb.state.nv.us.



Nevada Network Against Domestic Violence

March 14, 2003

Senator Mark Amodei
Chairman, Senate Judiciary Committee
Nevada State Legislature
401 S. Carson Street
Carson City, Nevada 89701

Re: SB 224

Dear Chairman Amodei and Committee members:

My name is Susan Meuschke. I am the Executive Director of the Nevada Network Against Domestic Violence (NNADV), the statewide coalition of domestic violence programs in Nevada. I am here today to speak in favor of SB 224.

Imagine facing a courtroom empty except for your abuser, his attorney and several strangers (the judge, clerk and bailiff). Imagine having to plead your case in an environment designed to intimidate, with no one there to provide any kind of support. This is a reality for many victims of domestic violence who haven't the resources to hire an attorney to represent them and who have been deprived of any support by a motion of the opposing attorney to close the courtroom. This is the kind of scenario that SB 224 is designed to address.

In 1999, the Nevada Network Against Domestic Violence embarked on a two year project to monitor the impact of domestic violence laws on courts around the state. This was a collaboration between the Network, the Supreme Court and the Attorney General's Office. One of the many things that we discovered during the course of that project was this issue of victim's being deprived of the presence of supportive advocates or family members during court proceedings; this was particularly prevalent in civil cases. We did some initial research and discovered that a bill had been passed in the

2001 Legislative Session that provided victims of sexual assault the right to have an attendant (support person) accompany them throughout the criminal justice process. There was nothing in NRS that addressed that same need on the civil side. A review of other states found that both California (see attached) and Illinois (also attached) provide such a support person in all civil protective order hearings and in Illinois also all criminal proceedings. In a U.S. Justice Department publication (attached) we learned of other states that provide such support in criminal matters. SB 224 asks that you do that and more, by providing that in any civil or criminal proceeding a victim of domestic violence will have access to moral and emotional support through the presence of an attendant.

Section 1 of the bill amends Chapter 50 of NRS to provide for such an attendant in any civil action involving a victim of domestic violence. The attendant will not be required to have any special training or knowledge but rather will be there to provide support. It also provide that this kind of support will not constitute the unauthorized practice of law and that if the attendant will be a witness in the proceeding that they are to be called first so as not to exclude them from the entire proceeding.

Section 2 of the bill adds domestic violence to the list of crimes for which a victim can designate an attendant to be present throughout the criminal proceedings. Again, the attendant is there only to provide emotional and moral support.

Through this bill we have tried to guarantee that anyone who contends that they are a victim of domestic violence has the right to have a support person accompany them through any justice system process. We believe that this guarantee will benefit both the victim and the process.

I thank you for your time and attention to this testimony and I would be happy to answer any questions you might have for me.

FAMILY.CODE

SECTION 6300-6305

6300. An order may be issued under this part, with or without notice, to restrain any person for the purpose of preventing a recurrence of domestic violence and ensuring a period of separation of the persons involved, if an affidavit shows, to the satisfaction of the court, reasonable proof of a past act or acts of abuse.

6301. (a) An order under this part may be granted to any person described in Section 6211, including a minor pursuant to subdivision (b) of Section 372 of the Code of Civil Procedure.

(b) The right to petition for relief shall not be denied because the petitioner has vacated the household to avoid abuse, and in the case of a marital relationship, notwithstanding that a petition for dissolution of marriage, for nullity of marriage, or for legal separation of the parties has not been filed.

6302. An order issued under this part shall set forth on its face a notice in substantially the following form:

"NOTICE TO RESTRAINED PERSON: If you do not appear at the court hearing specified herein, the court may grant the requested orders for a period of up to 3 years without further notice to you."

*6303. (a) It is the function of a support person to provide moral and emotional support for a person who alleges he or she is a victim of domestic violence. The person who alleges that he or she is a victim of domestic violence may select any individual to act as a support person. No certification, training, or other special qualification is required for an individual to act as a support person. The support person shall assist the person in feeling more confident that he or she will not be injured or threatened by the other party during the proceedings where the person and the other party must be present in close proximity. The support person is not present as a legal adviser and shall not give legal advice.

(b) A support person shall be permitted to accompany either party to any proceeding to obtain a protective order, as defined in Section 6218. Where the party is not represented by an attorney, the support person may sit with the party at the table that is generally reserved for the party and the party's attorney.

(c) Notwithstanding any other provision of law to the contrary, if a court has issued a protective order, a support person shall be permitted to accompany a party protected by the order during any mediation orientation or mediation session, including separate mediation sessions, held pursuant to a proceeding described in Section 3021. The agency charged with providing family court services shall advise the party protected by the order of the right to have a support person during mediation. A mediator may exclude a support person from a mediation session if the support person participates in the mediation session, or acts as an advocate, or the presence of a particular support person is disruptive or disrupts

the process of mediation. The presence of the support person does not waive the confidentiality of the mediation, and the support person is bound by the confidentiality of the mediation.

(d) In a proceeding subject to this section, a support person shall be permitted to accompany a party in court where there are allegations or threats of domestic violence and, where the party is not represented by an attorney, may sit with the party at the table that is generally reserved for the party and the party's attorney.

(e) Nothing in this section precludes a court from exercising its discretion to remove a person from the courtroom when it would be in the interest of justice to do so, or when the court believes the person is prompting, swaying, or influencing the party protected by the order.

~~6304. When making a protective order, as defined in Section 6218, where both parties are present in court, the court shall inform both the petitioner and the respondent of the terms of the order, including notice that the respondent is prohibited from owning, possessing, purchasing or receiving or attempting to own, possess, purchase or receive a firearm, and including notice of the penalty for violation.~~

~~6305. The court may not issue a mutual order enjoining the parties from specific acts of abuse described in Section 6320 (a) unless both parties personally appear and each party presents written evidence of abuse or domestic violence and (b) the court makes detailed findings of fact indicating that both parties acted primarily as aggressors and that neither party acted primarily in self-defense.~~

of the clerk of the court, simplified forms and clerical assistance to help with the writing and filing of a petition under this Section by any person not represented by counsel. In addition, that assistance may be provided by the state's attorney.

(Source: P.A. 90-590, eff. 1-1-99.)

(750 ILCS 60/203)

Sec. 203. Pleading; non-disclosure of address; non-disclosure of schools.

(a) A petition for an order of protection shall be in writing and verified or accompanied by affidavit and shall allege that petitioner has been abused by respondent, who is a family or household member. The petition shall further set forth whether there is any other pending action between the parties. During the pendency of this proceeding, each party has a continuing duty to inform the court of any subsequent proceeding for an order of protection in this or any other state.

(b) If the petition states that disclosure of petitioner's address would risk abuse of petitioner or any member of petitioner's family or household or reveal the confidential address of a shelter for domestic violence victims, that address may be omitted from all documents filed with the court. If disclosure is necessary to determine jurisdiction or consider any venue issue, it shall be made orally and in camera. If petitioner has not disclosed an address under this subsection, petitioner shall designate an alternative address at which respondent may serve notice of any motions.

(c) If the petitioner is seeking to have a child protected by the order of protection, and if that child is enrolled in any day-care facility, pre-school, pre-kindergarten, private school, public school district, college, or university, the petitioner may provide the name and address of the day-care facility, pre-school, pre-kindergarten, private school, public school district, college, or university to the court. However, if the petition states that disclosure of this information would risk abuse to petitioner or to the child protected under the order, this information may be omitted from all documents filed with the court.

(Source: P.A. 92-90, eff. 7-18-01.)

(750 ILCS 60/204)

Sec. 204. (Repealed).

(Source: Repealed by P.A. 88-306.)

(750 ILCS 60/205)

* Sec. 205. Application of rules of civil procedure; Domestic abuse advocates.

(a) Any proceeding to obtain, modify, reopen or appeal an order of protection, whether commenced alone or in conjunction with a civil or criminal proceeding, shall be governed by the rules of civil procedure of this State. The standard of proof in such a proceeding is proof by a preponderance of the evidence, whether the proceeding is heard in criminal or civil court. The Code of Civil Procedure and Supreme Court and local court rules applicable to civil proceedings, as now or hereafter amended, shall apply, except as otherwise provided by this law.

(b) (1) In all circuit court proceedings under this Act, domestic abuse advocates shall be allowed to attend and sit at counsel table and confer with the victim, unless otherwise directed by the court.

(2) In criminal proceedings in circuit courts, domestic abuse advocates shall be allowed to accompany the victim and confer with the victim, unless otherwise directed by the court.

(3) Court administrators shall allow domestic abuse advocates to assist victims of domestic violence in the preparation of petitions for orders of protection.

(4) Domestic abuse advocates are not engaged in the unauthorized

practice of law when providing assistance of the types specified in this subsection (b).

(Source: P.A. 87-1186; 87-1255; 88-45.)

(750 ILCS 60/206)

Sec. 206. Trial by jury. There shall be no right to trial by jury in any proceeding to obtain, modify, vacate or extend any order of protection under this Act. However, nothing in this Section shall deny any existing right to trial by jury in a criminal proceeding.

(Source: P.A. 87-1186.)

(750 ILCS 60/207)

Sec. 207. Subject matter jurisdiction. Each of the circuit courts shall have the power to issue orders of protection.

(Source: P.A. 84-1305.)

(750 ILCS 60/208)

Sec. 208. Jurisdiction over persons. In child custody proceedings, the court's personal jurisdiction is determined by this State's Uniform Child Custody Jurisdiction Act, as now or hereafter amended. Otherwise, the courts of this State have jurisdiction to bind (i) State residents and (ii) non-residents having minimum contacts with this State, to the extent permitted by the long-arm statute, Section 2-209 of the Code of Civil Procedure, as now or hereafter amended.

(Source: P.A. 84-1305.)

(750 ILCS 60/209)

Sec. 209. Venue.

(a) Filing. A petition for an order of protection may be filed in any county where (i) petitioner resides, (ii) respondent resides, (iii) the alleged abuse occurred or (iv) the petitioner is temporarily located if petitioner left petitioner's residence to avoid further abuse and could not obtain safe, accessible, and adequate temporary housing in the county of that residence.

(b) Exclusive Possession. With respect to requests for exclusive possession of the residence under this Act, venue is proper only in the county where the residence is located, except in the following circumstances:

(1) If a request for exclusive possession of the residence is made under this Act in conjunction with a proceeding under the Illinois Marriage and Dissolution of Marriage Act, venue is proper in the county or judicial circuit where the residence is located or in a contiguous county or judicial circuit.

(2) If a request for exclusive possession of the residence is made under this Act in any other proceeding, provided the petitioner meets the requirements of item (iv) of subsection (a), venue is proper in the county or judicial circuit where the residence is located or in a contiguous county or judicial circuit. In such case, however, if the court is not located in the county where the residence is located, it may grant exclusive possession of the residence under subdivision (b)(2) of Section 214 only in an emergency order under Section 217, and such grant may be extended thereafter beyond the maximum initial period only by a court located in the county where the residence is located.

(c) Inconvenient forum. If an order of protection is issued by a court in a county in which neither of the parties resides, the court may balance hardships to the parties and accordingly transfer any proceeding to extend, modify, re-open, vacate or enforce any such order to a county wherein a party resides.

(d) Objection. Objection to venue is waived if not made within such time as respondent's response is due, except as otherwise provided in subsection (b). In no event shall venue be deemed jurisdictional.

(Source: P.A. 86-966; 87-1186.)

create a
file



JANUARY 2007

THE CRIME VICTIM'S RIGHT TO BE PRESENT

LEGAL SERIES

#3

Introduction

For crime victims and their families, the right to be present during criminal justice proceedings is an important one. Victims want to see justice at work. They want to hear counsel's arguments and view the reactions of the judge, jury, and defendant. Most state victims' rights constitutional amendments and statutory victims' bills of rights give victims the right to be present during proceedings.

Status of the Law

Twenty-four states give crime victims the right to attend criminal justice proceedings, but most of these states impose limitations on that right.

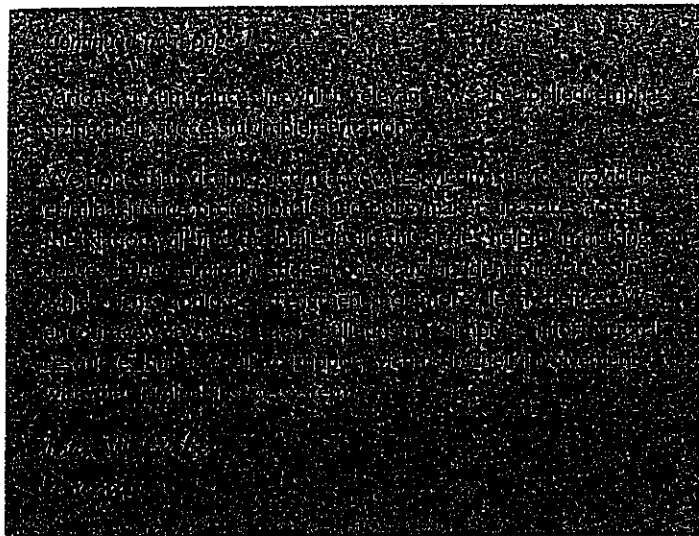
The restrictions stem from concern that a victim's right to attend proceedings may conflict with the rights of the accused. Thus, victims are often given a right to be present only "to the extent that it does not interfere with the rights of the accused" or is "consistent with the rules of evidence."

The "rule on witnesses," generally Rule 615 of a state's Rules of Evidence, was developed to limit the possibility that a witness might be influenced by hearing the testimony of other witnesses or the arguments of counsel. Thus, to ensure a fair trial, witnesses are excluded—sequestered—from the criminal trial except during their testimony. This rule does not apply to a defendant, who is exempted as a party to the case.

Judges often apply the rule on witnesses by looking only at one side of the equation—protecting the interests of the defendant by excluding the prosecution's witnesses. They fail to consider the legitimate interest of the victim of an offense—who often is also a witness in the case—in attending and observing the proceedings. In practice, defense counsel need only list victims and/or their family members as potential witnesses to have them excluded from the trial. As a result, this rule often allows victims and family members to be excluded even when they have little, or no, relevant testimony to offer.

Eight states—Alabama, Alaska, Arizona, Arkansas, New Hampshire, Oregon, South Carolina, and Utah—generally exempt crime victims from sequestration as witnesses. However, Arkansas, New Hampshire, South Carolina, and Utah still permit the court to

OVC



exclude a victim when "necessary to protect the defendant's right to a fair trial"³ or where "inconsistent with the constitutional and statutory rights of the accused"⁴ or similar language is used. Utah only exempts victims from the rule "where the prosecutor agrees with the victim's presence."⁵ Other states, including Idaho⁶ and New Mexico,⁷ do not exempt victims from the rule on witnesses despite a general right to be present as indicated by their statutes and constitutions.

Six other states—Louisiana, Maryland, Michigan, Nevada, South Dakota, and Washington—give crime victims a right to be present only after they have testified.⁸ Washington also gives victims a right to be scheduled to testify as early as possible to maximize their attendance at the trial.⁹

A few states in their statutes clearly give victims of crime a right to be present during proceedings and provide a specific exemption from the rule on witnesses. For example, Alaska provides victims with a clear statutory right "to be present during any proceeding in . . . the prosecution and sentencing of a defendant if the defendant has the right to be present, including being present during testimony even if the victim is likely to be called as a witness."¹⁰ Alaska's rule on witnesses, however, also allows victims choice when the court exempts "the victim of the alleged crime . . . during criminal . . . proceedings when the accused has the right to be present."¹¹

When defense counsel objects to the presence of the victim/witness in the courtroom on the grounds that it violates the defendant's constitutional right to a fair trial, judges and prosecutors sometimes err on the side of caution, excluding the

victim from the courtroom or discouraging the victim from exercising his or her right to attend the trial. However, case law indicates that a defendant's right to a fair trial is not necessarily compromised by a crime victim exercising the right to attend proceedings, even when the victim is a witness in the case. A defendant "must show more than the mere possibility that [the victim] conformed her testimony to that of the other witnesses" because the burden of proof is on the defendant to show he or she was denied a fair trial.¹²

Recently, the Arizona Supreme Court ruled that the state's constitutional amendment on crime victims' rights and the statutory and rule changes that implemented it "effectively removed the presumption of prejudice that we traditionally attached to a trial judge's refusal to exclude a witness from the courtroom."¹³ Thus, the court found that altering or limiting the defendant's right to exclude witnesses did not violate constitutional due process.

Some courts have upheld the victim's right to be present even where there was no explicit exemption from the rule on witnesses. For example, Wyoming law gives victims a right to remain in the courtroom unless the court rules that good cause requires exclusion. In one case, the Wyoming Supreme Court found that the trial court, after hearing the arguments of counsel, had properly balanced the defendant's constitutional rights against the victim's statutory rights and did not err in permitting the victim to remain in the courtroom during the testimony of another victim. During trial arguments about whether the victim should be allowed to remain in the courtroom, the prosecution noted that the victim had made a lengthy pretrial statement that was provided to the defense.¹⁴

Apart from traditional sequestration rationales, other arguments have been offered to justify the exclusion of victims/witnesses from a trial. When a victim has not previously identified the accused as the perpetrator, allowing the victim to be present in the courtroom and observe the defendant may influence in-court identification. Of course, the potential problem is substantially diminished when there is a pretrial identification.

In addition, the defense counsel may argue that the mere presence of the victim in the courtroom can prejudice the jury and interfere with the defendant's right to a fair trial. However, courts have rejected this argument: "[T]here is nothing inherently prejudicial in the presence of the victim. The fact that a defendant may not want the reminder of the crime to be a real presence, we do not see of itself, as an interference with the defendant's right to a fair trial."¹⁵



Crafting a Compromise

Several states have attempted to draft statutes that encourage courts to limit the application of sequestration rules. Wisconsin's law states that exclusion of a victim to preserve a defendant's right to a fair trial must be based on something more than the fact that the victim would be present during the testimony of other witnesses.¹⁶ Florida's law requires the court to determine that the victim's presence would be prejudicial; the victim cannot be excluded merely because he or she is subpoenaed to testify.¹⁷

Delaware and Wyoming require the defendant to show good cause to exclude the victim.¹⁸ In several other states, the court cannot exclude a victim unless it determines that the victim's testimony "would be materially affected" if he or she were to hear the testimony of other witnesses.¹⁹ Virginia recently strengthened its law giving victims a right to attend, providing that a crime victim "shall not be excluded unless the court determines, in its discretion, the presence of the victim would substantially impair the conduct of a fair trial."²⁰ [Emphasis added by author.]

In other states, courts are encouraged to craft compromises based on the context of a particular case. For example, North Carolina requires the court to "make every effort to permit the fullest attendance possible for the victim" without interfering with the defendant's right to a fair trial.²¹ California's statute provides detailed instructions to the court in this regard, stating that any order of sequestration must allow the victim to be present whenever possible. The party moving for the victim's exclusion must demonstrate "a substantial probability that overriding interests will be prejudiced by the presence of the victim."²² The statute gives examples of such "overriding interests," including the defendant's right to a fair trial and the protection of witnesses from harassment and physical harm. The court is required to consider reasonable alternatives to excluding the victim, and the victim must be heard at any hearing regarding exclusion. The court also must make specific factual findings that support any victim exclusion.²³

In many cases, accommodating the interests of both the defendant and the crime victim may be possible. Often, a crime victim has made pretrial statements, or has even been deposed, regarding the facts of the case. Such prior statements reduce the likelihood that victims/witnesses will alter their testimony, regardless of any intervening influence. If the victim/witness does give conflicting information while on the stand, defense counsel

in the case could confront the victim with the earlier statement. The judge or jury then would have to consider any variation in such testimony when assessing the credibility of the victim. The Utah Supreme Court noted that "inconsistent statements of witnesses, whether they be by the actual victim or others, are in many cases simply a credibility factor that the finder of fact must weigh in determining the outcome."²⁴ Alternatively, a victim could testify first and then remain in the courtroom for the duration of the proceedings.

Although a victim may have a right to be present in the courtroom and may even be exempted from the rule on witnesses, the victim's right to attend is not absolute. The court retains discretion to control courtroom decorum. The judge can order a crime victim (or even a defendant) who is disruptive or violent to be removed from the courtroom.²⁵

Unlike some other victims' rights, the right to attend criminal justice proceedings, especially the right to attend the trial, generally does not involve an administrative burden. Most often, the crime victim is a witness in the case and thus, to testify, will be notified of the date and time of proceedings. Victims generally have the right to be notified of all public court proceedings on request—even if they are not witnesses—so the right to attend proceedings does not imply an additional burden of notification. Rather, large-scale implementation of the victim's right to attend appears to have been restricted by the presumption that allowing a victim/witness to remain in the courtroom violates the right of the defendant to a fair trial. As illustrated above, such a presumption may be unwarranted.

Current Issues

Sitting at the Counsel Table

Many victims want the right to sit at the counsel table with the prosecutor during proceedings. Only Alabama's law affirmatively gives victims this right.²⁶ In contrast, Louisiana's court rule specifically prohibits the victim from sitting at the counsel table.²⁷

Case law indicates courts generally do not allow victims to sit at the counsel table. In an Arkansas case, a conviction was overturned because the court found that allowing a robbery victim to sit at the counsel table during the trial may have unfairly prejudiced the defendant.²⁸ However, that same year, a California case found that allowing the victim to sit at the counsel table did not prejudice the defendant's right to a fair trial. The court was



careful to note that it did not intend, by its ruling, to condone seating victims at the counsel table.²⁹

Incarcerated Victims

Those who oppose giving crime victims a strong right to attend court proceedings often raise the issue of incarcerated crime victims. The crime may have taken place inside a correctional facility, or the victim may become incarcerated for another matter after the offense. A concern is that giving all crime victims a right to be present during criminal proceedings poses a security risk as incarcerated victims are transported to and from court.

Most states that have addressed this issue provide that the right to attend criminal proceedings does not apply to an incarcerated crime victim.³⁰ In contrast, Wisconsin expressly provides for the participation of incarcerated victims: "The court may require the victim to exercise his or her right . . . using telephone or live audiovisual means, if available, if the victim is under arrest, incarcerated, imprisoned or otherwise detained by any law enforcement agency, or is admitted or committed on an inpatient basis to a treatment facility . . . and the victim does not have a [representative] to exercise the victim's right [to attend court proceedings]."³¹

Support Person

Crime victims may benefit from having a support person present during proceedings. The supportive presence of a trusted advocate or family member often enables a crime victim to exercise his or her right to be present during proceedings. Recognizing this, 11 states—Arkansas, California, Colorado, Delaware, Illinois, Iowa, Kentucky, Nevada, New Hampshire, Ohio, and Wisconsin—give crime victims a right to have an advocate or support person present during proceedings.³²

In some cases, supportive advocates or family members have been put on witness lists for the apparent sole purpose of excluding them from the trial or other proceedings. As a result, some states have attempted to restrict such tactics. For example, Oklahoma law provides that "when any family member is required to be a witness by a subpoena from the defense, there must be a showing that the witness can provide relevant testimony as to the guilt or innocence of the defendant before the witness may be excluded from the proceeding by invoking the rule to remove potential witnesses."³³ New Hampshire similarly restricts abuses of the rule on witnesses to exclude support people: "If a victim/witness advocate is called as a witness, a party opposing such action may move for an order requiring the party desiring to use such testimony to show cause why such

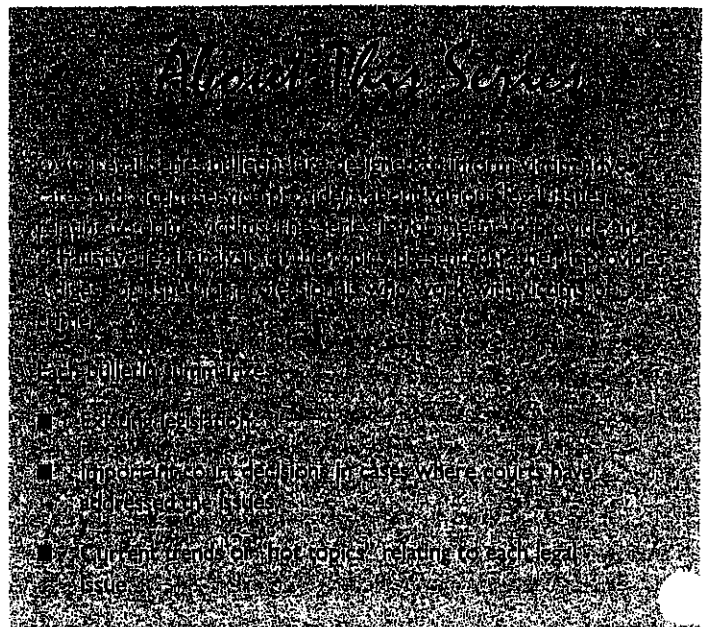
victim/witness advocate's testimony is necessary. In no case shall a victim/witness advocate be sequestered unless the court finds and orders, based on the facts of the case, that failure to sequester would violate a defendant's rights."³⁴

Conclusion

Victim service providers consider the right to attend criminal justice proceedings one of the fundamental rights of crime victims. Although its application, especially at criminal trials, has been restricted in practice, some statutes and the limited case law suggest that the right can be applied more broadly without placing an undue burden on the criminal justice system or interfering with the constitutional rights of the accused.

Notes

1. KAN. CONST. art. XV, § 15.
2. MISS. CODE ANN. § 99-36-5 (2001).
3. For example, ARK. CODE ANN. § 16-90-1103 (Michie 2001).
4. For example, N.H. REV. STAT. ANN. § 21-M:8-k (2000).
5. UTAH R. EVID. 615.



6. IDAHO CONST. art. I, § 22, IDAHO CODE § 19-5306 (Michie 1999).
7. N.M. CONST. art. II, § 24, N.M. STAT. ANN. § 31-26-4 (Michie 2000).
8. LA. CODE EVID. ANN. 615 (West 2000); MD. ANN. CODE art. 27, § 773 (2001); MICH. STAT. ANN. §§ 28.1287(761), (789), (821) (Law. Co-op. 2000); NEV. REV. STAT. § 171.204 (2001); S.D. CODIFIED LAWS § 19-14-29 (Michie 2001); WASH. REV. CODE § 7.69.030 (2000).
9. WASH. REV. CODE § 7.69.030 (2000).
10. ALASKA STAT. § 12.61.010 (Michie 2000).
11. ALASKA R. EVID. 615.
12. *State v. Beltran-Felix*, 294 Utah Adv. Rep. 3, 12, 922 P.2d 30, 35 (Utah Ct. App. 1996).
13. *State v. Fulminante*, 195 Ariz. 485, 975 P.2d 75, 92 (1999).
14. *Gabriel v. State*, 925 P.2d 234, 236 (Wyo. 1996).
15. *People v. Ramer*, 17 Cal. App. 4th 672, 679, 21 Cal. Rptr. 2d 400 (5th Dist. 1993), review denied, op. withdrawn by order of ct., *People v. Ramer*, 24 Cal. Rptr. 2d 237, 860 P.2d 1183 (1993).
16. WIS. STAT. § 906.15 (2001).
17. FLA. STAT. § 960.001 (2000).
18. DEL. CODE ANN. tit. 11, § 9407 (2000); WYO. STAT. ANN. § 1-40-206 (Michie 2000).
19. CONN. CONST. amend. XVII(b). See also ILL. CONST. art. I, § 8.1, 725 ILL. COMP. STAT. § 120/4 (2001); MASS. GEN. LAWS ch. 258B, § 3 (2001); TEX. CONST. art. I, § 30; 42 U.S.C. § 10606 (2001).
20. VA. CODE ANN. § 19.2-265.01 (Michie 2000).
21. N.C. GEN. STAT. § 15A-832 (2000).
22. CAL. PENAL CODE § 1102.6 (Deering 2001).
23. *Id.*
24. *State v. Beltran-Felix*, 294 Utah Adv. Rep. 14 n.6, 922 P.2d 35 (Utah Ct. App. 1996), cert. denied, 117 S.Ct. 1133 (1997).
25. For example, ALA. CODE § 15-14-54 (2000); MD. ANN. CODE art. 27, § 773 (2001); UTAH R. EVID. 615.
26. ALA. CODE § 15-14-53 (2000).
27. LA. CODE EVID. ANN. art. 615 (West 2000).
28. *Mask v. State*, 314 Ark. 25, 869 S.W.2d 1 (1993).
29. *People v. Ramer*, *supra*, note 15.
30. For example, see UTAH CODE ANN. § 77-38-2 (2000).
31. WIS. STAT. § 950.04 (2000).
32. ARK. CODE ANN. § 16-90-1103 (Michie 1999); CAL. PENAL CODE § 1102.6 (Deering 2000); COLO. REV. STAT. § 24-4.1-303 (2001); DEL. CODE ANN. tit. 11, § 9407 (2000); 725 ILL. COMP. STAT. § 120/4.5 (2001); IOWA CODE § 915.20 (2001); KY. REV. STAT. ANN. § 421.575 (Banks-Baldwin 1999); NEV. REV. STAT. § 178.571 (2001); N.H. REV. STAT. ANN. § 516:7-a (2000); OHIO REV. CODE ANN. § 2930.09 (Anderson 2001); WIS. STAT. § 950.04 (2000).
33. OKLA. STAT. tit. 19, § 215.33 (2000).
34. N.H. REV. STAT. ANN. § 516:7-a (2000).

The OVC Legal Series bulletins were created by the National Center for Victims of Crime (NCVC) under grant number 1999-VF-GX-K007 awarded by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this bulletin are those of the author/NCVC and do not necessarily represent the official position or policies of the U.S. Department of Justice.

The Office for Victims of Crime is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, and the Office of Juvenile Justice and Delinquency Prevention.

NCJ 189187



C-11

Q-12