

28 (e) a victim counselor § [3] § h WHILE THE VICTIM IS PRESENT h unless the defendant establishes
 28a that the counselor is a material
 29 witness § IN THAT CRIMINAL PROCEEDING § h [whose testimony would be materially affected by
 29a hearing the testimony of other witnesses
 30 at the proceeding] h .

31 (2) The court may exclude or excuse a victim from the courtroom if the victim becomes
 32 disruptive.

33 (3) A victim in a criminal or juvenile delinquency proceeding who elects to be present in
 34 the courtroom may not be prevented from testifying, even after being present and having heard
 35 other testimony.

36 (4) As used in this rule, "victim counselor":

37 (a) means a person who is h PRESENT IN THE COURTROOM TO ASSIST THE VICTIM AND
 37a IS h employed by or volunteers at any office, institution, or center
 38 assisting victims of crimes and their families which offers crisis intervention or support, medical
 39 or legal services, or counseling; and

40 (b) includes a "sexual assault counselor" as defined in Section 78-3c-3, Utah Code
 41 Annotated.

42 Section 2. **Effective date.**

43 As provided in Utah Constitution Article VIII, Section 4, this act takes effect upon approval
 44 by a constitutional two-thirds vote of all members elected to each house.

Legislative Review Note
as of 12-23-99 8:32 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel