€ 02-02-00 10:21 AM €

1	PUBLIC ACCESS TO WITNESS' TESTIMONY
2	2000 GENERAL SESSION
3	STATE OF UTAH
4	Sponsor: Lawanna Shurtliff
5	AN ACT RELATING TO THE JUDICIAL CODE; PROVIDING FOR THE EXCLUSION OF
6	SPECTATORS BY THE COURT UNDER CERTAIN CIRCUMSTANCES; AND MAKING
7	TECHNICAL CORRECTIONS.
8	This act affects sections of Utah Code Annotated 1953 as follows:
9	AMENDS:
10	78-24-11 , Utah Code Annotated 1953
11	Be it enacted by the Legislature of the state of Utah:
12	Section 1. Section 78-24-11 is amended to read:
13	78-24-11. Rights of witnesses.
14	(1) It is the right of a witness:
15	(a) to be protected from irrelevant, improper, or insulting questions[, and];
16	(b) to be protected from harsh or insulting demeanor[-,];
17	(c) to be detained only so long as the interests of justice require it[,]; and
18	(d) to be examined only as to matters legal and pertinent to the issue.
19	(2) The court may exclude any or all spectators during the testimony of a witness whenever
20	reasonably necessary to prevent embarrassment or emotional disturbance of the witness. Factors
21	which may be considered in making the court's determination are:
22	(a) the age of the witness;
23	(b) the nature of the witness' testimony;
24	(c) the potential for embarrassment to the witness;
25	(d) the potential for emotional disturbance of the witness;
26	(e) the witness' feelings regarding exclusion; and
27	(f) other factors considered significant by the court.

Legislative Review Note as of 2-1-00 12:56 PM

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

Office of Legislative Research and General Counsel