

**Representative Lawanna Shurtliff** proposes to substitute the following bill:

**PUBLIC ACCESS TO WITNESS' TESTIMONY**

2000 GENERAL SESSION

STATE OF UTAH

**Sponsor: Lawanna Shurtliff**

AN ACT RELATING TO THE JUDICIAL CODE; PROVIDING FOR THE EXCLUSION OF SPECTATORS BY THE COURT UNDER CERTAIN CIRCUMSTANCES; AND MAKING TECHNICAL CORRECTIONS.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**78-24-11**, Utah Code Annotated 1953

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **78-24-11** is amended to read:

**78-24-11. Rights of witnesses.**

(1) It is the right of a witness;

(a) to be protected from irrelevant, improper, or insulting questions~~[, and]~~;

(b) to be protected from harsh or insulting demeanor~~[;]~~;

(c) to be detained only so long as the interests of justice require it~~[;]~~; and

(d) to be examined only as to matters legal and pertinent to the issue.

(2) ~~h [The]~~ **IF THE WITNESS TESTIFYING IS UNDER EIGHTEEN YEARS OF AGE, THE h**

court

may exclude any or all spectators during the testimony of a witness whenever

necessary to safeguard the physical and psychological well-being of that witness.

(3) ~~h [Before]~~ **EXCEPT AS PROVIDED IN SECTION 78-7-4, BEFORE h** excluding spectators,

the court shall hold a hearing and take evidence on the

exclusion. Any exclusion shall be limited to that portion of the proceedings necessary to safeguard

the witness. If closure is considered necessary, the transcript of the proceedings shall be released

as soon as it is possible to do so without prejudice to the interests that justified the closure. Any

closure shall be supported by findings and conclusions.

- 26           (4) In considering whether to close a hearing, the court may consider:  
27           (a) the age of the witness;  
28           (b) the nature of the witness' testimony;  
29           (c) ~~the potential for~~ embarrassment to the witness;  
30           (d) ~~the potential for~~ emotional disturbance of the witness ~~;~~ **AND**  
31           ~~(e) the witness' feelings regarding exclusion; and~~  
32           ~~(f)~~ **(e)** other factors considered significant by the court.