

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) The 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) Before 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;
31 (e) the witness' feelings regarding exclusion; and
32 (f) other factors considered significant by the court.