

SB 597 A STAFF MEASURE SUMMARY

Carrier: Rep. Stark

House Committee On Judiciary

Action Date: 05/21/19

Action: Do Pass the A-Eng bill.

Vote: 10-0-1-0

Yeas: 10 - Barker, Bynum, Greenlick, Lewis, McLane, Piluso, Power, Sprenger, Stark, Williamson

Exc: 1 - Gorsek

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Gillian Fischer, Counsel

Meeting Dates: 5/14, 5/21

WHAT THE MEASURE DOES:

Authorizes use of pseudonym, initials, or other signifier on indictment, in lieu of actual name of a victim of a crime alleging sexual abuse. Requires that separate document containing name be simultaneously filed confidentially, with copy provided to defendant at arraignment. Requires court to unseal an indictment where victim is truly named upon entrance of a final judgment. Provides that a district attorney shall disclose to a self-represented defendant a copy of the document listing a victim's true name. States that a court shall enter an order prohibiting the defendant from copying or disseminating the document.

ISSUES DISCUSSED:

- Embarrassment may be felt by victims of sexual assault crimes
- Provides limited access to victim's identity to nonparties of a criminal case
- Prevents potential bad actors from identifying grand jury witnesses until after a case has completed
- Includes opportunity to request release of the indictment if good cause is shown

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

When a person is indicted, current law requires that the indictment include a statement of the acts constituting the offense and list the names of witnesses examined before the grand jury.

Senate Bill 597 A authorizes the use of a pseudonym, initials, or other signifier, in lieu of the name of the victim in the indictment or as a witness if the victim testifies at grand jury. When this occurs, the measure requires that a separate document containing the names be filed under seal and provided to the defendant at arraignment, unless there is a good cause for delay.