

House Research Act Summary

CHAPTER: 79

SESSION: 1999 Regular Session

TOPIC: Crime Victims and Witnesses; Date of Birth

Date: May 27, 1999

Analyst: Judith Zollar, 651-296-1554

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd.

Overview

This act gives prosecutors discretion not to disclose a victim's or witness's date of birth based upon the prosecutor's certification to the trial court that certain factors have been satisfied.

1 Confidentiality of Victim's Address.

Subd. 1. Discretion of prosecution not to disclose. Current law allows a prosecutor not to disclose a victim's or witness's home or employment address or telephone number if the prosecutor certifies to the trial court that:

the defendant or respondent has been charged with or is alleged to have committed a crime;

the nondisclosure is needed to address the victim's or witness's safety or security concerns; and

the victim's or witness's home or employment address or telephone number is not relevant to the prosecution's case.

This act allows a prosecutor not to disclose a victim's or witness's date of birth, based upon the same type of certification.

Current law provides that the prosecutor must move at a contested hearing to withhold this information. This act requires the prosecutor to make a motion with proper notice. Current law allows the court to order the prosecutor to set up a confidential meeting between defense counsel and the victim or witness. This act provides that this meeting will be set up only if the victim or witness consents to the meeting.

Subd. 2. Witness testimony in court. Provides that a victim or witness providing testimony in court proceedings may not be compelled to state the victim's or witness's date of birth on the record in open court unless the court finds the testimony would be relevant evidence. This subdivision currently provides that a victim or witness may not be compelled to state a home or

employment address in court proceedings.