

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

SENATE FILE NO. _____

District courts - release of information.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to criminal procedure; providing that
2 specified information relating to a sexual assault shall
3 not be released prior to the filing of an information or
4 indictment in a district court; and providing for an
5 effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 6-2-310(a) and (b) and 6-2-319(a) and
10 (b) are amended to read:

11

12 **6-2-310. Names not to be released; restrictions on**
13 **disclosure or publication of information; violations;**
14 **penalties; effect of disclosure; "minor victim".**

1

2 (a) Prior to the filing of an information or
3 indictment in district court, neither the names of the
4 alleged actor or victim of a sexual assault nor any other
5 information ~~reasonably likely to~~ that would disclose the
6 identity of the victim shall be released ~~or negligently~~
7 ~~allowed to be released to the public~~ by any public employee
8 except as authorized by the judge with jurisdiction over
9 the criminal charges. The actor's name may be released to
10 the public to aid or facilitate an arrest.

11

12 (b) After the filing of an information or indictment
13 in district court and absent a request to release the
14 identity of a minor victim by the victim or another acting
15 on behalf of a minor victim, the trial court shall, to the
16 extent necessary to protect the welfare of the minor
17 victim, restrict the disclosure ~~or publication of~~
18 ~~information reasonably likely to~~ of the name of the minor
19 victim unless the name has been publicly disclosed by the
20 parent or legal guardian of the minor victim or by law
21 enforcement in an effort to find the victim. The trial
22 court may, to the extent necessary to protect the welfare
23 of the minor victim, restrict disclosure of other

1 information that would identify the minor victim to the
2 general public.

3 *** STAFF COMMENTS ***

4 The elimination of the language shown on page 2,
5 lines 17 & 18, and page 3, lines 20 & 21, would
6 only sanction the release of information by a
7 public employee, but would not prohibit or
8 sanction the publication of that information by
9 the media.
10

11 6-2-319. Names not to be released; restrictions on
12 disclosures or publication of information; violations;
13 penalties.

14
15 (a) Prior to the filing of an information or
16 indictment in district court charging a violation of W.S.
17 6-2-314 through 6-2-318, neither the names of the person
18 ~~accused~~ alleged actor or the victim of a sexual assault nor
19 any other information ~~reasonably likely to~~ that would
20 disclose the identity of the victim shall be released ~~or~~
21 ~~negligently allowed to be released to the public~~ by any
22 public employee except as authorized by the judge with
23 jurisdiction over the criminal charges. The actor's name ~~of~~
24 ~~the person accused~~ may be released to the public to aid or
25 facilitate an arrest.
26

1 (b) After the filing of an information or indictment
2 in district court and absent a request to release the
3 identity of a minor victim by the minor or another acting
4 on behalf of a minor victim, the trial court shall, to the
5 extent necessary to protect the welfare of the minor
6 victim, restrict the disclosure of the name of the minor
7 victim, unless the name has been publicly disclosed by the
8 parent or legal guardian of the minor or by law enforcement
9 in an effort to find the victim. The trial court may, to
10 the extent necessary to protect the welfare of the minor
11 victim, restrict disclosure of ~~the~~other information
12 ~~reasonably likely to~~that would identify the minor victim
13 to the general public.

14

15 **Section 2** This act is effective July 1, 2009

16

17

(END)