

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2348

Chapter 188, Laws of 1992
(partial veto)

52nd Legislature
1992 Regular Session

CONFIDENTIALITY OF IDENTITY OF CHILD VICTIMS OF SEXUAL ABUSE

EFFECTIVE DATE: 6/11/92

Passed by the House February 18, 1992
Yeas 98 Nays 0

JOE KING
**Speaker of the
House of Representatives**

Passed by the Senate March 6, 1992
Yeas 43 Nays 5

JOEL PRITCHARD
President of the Senate

Approved April 2, 1992, with the
exception of sections 3, 4 and 5, which
are vetoed.

BOOTH GARDNER
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the
House of Representatives of the State
of Washington, do hereby certify that
the attached is SUBSTITUTE HOUSE BILL
2348 as passed by the House of
Representatives and the Senate on the
dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED
April 2, 1992 - 11:15 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2348

Passed Legislature - 1992 Regular Session

State of Washington 52nd Legislature 1992 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Sheldon, Belcher, Brough, Riley, Broback, Ludwig, Vance, Wineberry, Beck, Forner, Locke, Fraser, P. Johnson, Inslee, Ebersole, Scott, Bowman, H. Myers, D. Sommers, Paris, Rasmussen, Prentice, Mielke, R. Johnson, Neher, Dorn, Cooper, Franklin, Rayburn, G. Fisher, Heavey, Roland, G. Cole, J. Kohl, Mitchell, Brekke, Orr, Spanel, May, Ogden, Leonard, Silver, Sprenkle, O'Brien and Appelwick)

Read first time 02/07/92.

1 AN ACT Relating to the confidentiality of victim-identifying
2 information in cases of child victims of sexual abuse; amending RCW
3 7.69A.020, 7.69A.030, 13.40.140, and 13.50.050; adding a new section to
4 chapter 7.69A RCW; adding a new section to chapter 42.17 RCW; adding a
5 new section to chapter 10.97 RCW; adding a new section to chapter 10.52
6 RCW; creating a new section; and prescribing penalties.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** The legislature recognizes that the
9 cooperation of child victims of sexual assault and their families is
10 integral to the successful prosecution of sexual assaults against
11 children. The legislature finds that release of information
12 identifying child victims of sexual assault may subject the child to
13 unwanted contacts by the media, public scrutiny and embarrassment, and
14 places the child victim and the victim's family at risk when the

1 assailant is not in custody. Release of information to the press and
2 the public harms the child victim and has a chilling effect on the
3 willingness of child victims and their families to report sexual abuse
4 and to cooperate with the investigation and prosecution of the crime.
5 The legislature further finds that public dissemination of the child
6 victim's name and other identifying information is not essential to
7 accurate and necessary release of information to the public concerning
8 the operation of the criminal justice system. Therefore, the
9 legislature intends to assure child victims of sexual assault and their
10 families that the identities and locations of child victims will remain
11 confidential.

12 **Sec. 2.** RCW 7.69A.020 and 1985 c 394 s 2 are each amended to read
13 as follows:

14 Unless the context clearly requires otherwise, the definitions in
15 this section apply throughout this chapter.

16 (1) "Crime" means an act punishable as a felony, gross misdemeanor,
17 or misdemeanor under the laws of this state or equivalent federal or
18 local law.

19 (2) "Child" means any living child under the age of eighteen years.

20 (3) "Victim" means a living person against whom a crime has been
21 committed.

22 (4) "Witness" means a person who has been or is expected to be
23 summoned to testify for the prosecution in a criminal action, or who by
24 reason of having relevant information is subject to call or likely to
25 be called as a witness for the prosecution, whether or not an action or
26 proceeding has been commenced.

27 (5) "Family member" means child, parent, or legal guardian.

1 (6) "Advocate" means any person, including a family member not
2 accused of a crime, who provides support to a child victim or child
3 witness during any legal proceeding.

4 (7) "Court proceedings" means any court proceeding conducted during
5 the course of the prosecution of a crime committed against a child
6 victim, including pretrial hearings, trial, sentencing, or appellate
7 proceedings.

8 (8) "Identifying information" means the child's name, address,
9 location, and photograph, and in cases in which the child is a relative
10 or stepchild of the alleged perpetrator, identification of the
11 relationship between the child and the alleged perpetrator.

12 ****NEW SECTION. Sec. 3.** A new section is added to chapter 7.69A RCW*
14 *to read as follows:*

15 *A child victim of sexual assault has a right to not have*
16 *identifying information disclosed to the public. Accordingly, unless*
17 *the child victim or the child victim's legal guardian consents to*
18 *dissemination of identifying information:*

19 *(1) Except as necessary to conduct the investigation or preparation*
20 *of the case, no law enforcement agency, prosecutor's office, or defense*
21 *attorney may disclose any identifying information of a child victim of*
22 *sexual assault to anyone other than another law enforcement agency,*
23 *prosecutor, judge, defense attorney, or governmental agency that*
24 *provides services to the child victim or to a family member of the*
25 *child victim.*

26 *(2) The court shall prohibit dissemination to the public of any*
27 *identifying information revealed during court proceedings involving the*
28 *sexual assault of a child victim. The court shall condition a person's*
29 *or press attendance at court proceedings on an agreement not to*
30 *disseminate to the public or the press identifying information obtained*

1 at court proceedings. The court shall prohibit the press or any person
2 who refuses to comply with the condition from attending any court
3 proceeding in which information identifying the child victim may be
4 revealed. If the press or another person violates the court-ordered
5 condition, the court shall make all orders necessary to prevent further
6 dissemination of identifying information obtained at the court
7 proceeding. The court may not prohibit the press from disseminating
8 identifying information obtained from a source other than the court
9 proceedings.

10 (3) Portions of court records, transcripts, or recordings of court
11 proceedings that contain identifying information are confidential and
12 not open to public inspection. The court shall order that those records
13 shall be sealed unless the identifying information is deleted.

14 (4) If a member of the press releases to the public identifying
15 information that the press member obtained solely through attendance at
16 a court proceeding to which the press member had conditional access,
17 the press member shall be subject to a fine of not less than one
18 hundred dollars and not more than five hundred dollars. In addition,
19 the child victim may pursue any other civil remedy available under
20 existing law.

21 *Sec. 3 was vetoed, see message at end of chapter.

22 *Sec. 4. RCW 7.69A.030 and 1985 c 394 s 3 are each amended to read
23 as follows:

24
25 In addition to the rights of victims and witnesses provided for in
26 RCW 7.69.030, there shall be every reasonable effort made by law
27 enforcement agencies, prosecutors, and judges to assure that child
28 victims and witnesses are afforded the rights enumerated in this
29 section. Except as provided in section 3 of this act regarding child
30 victims of sexual assault, the enumeration of rights shall not be

1 construed to create substantive rights and duties, and the application
2 of an enumerated right in an individual case is subject to the
3 discretion of the law enforcement agency, prosecutor, or judge. Child
4 victims and witnesses have the following rights:

5 (1) To have explained in language easily understood by the child,
6 all legal proceedings and/or police investigations in which the child
7 may be involved.

8 (2) To be provided, whenever possible, a secure waiting area during
9 court proceedings and to have an advocate or support person remain with
10 the child prior to and during any court proceedings.

11 (3) To not have the names, addresses, nor photographs of the living
12 child victim or witness disclosed by any law enforcement agency,
13 prosecutor's office, or state agency without the permission of the
14 child victim, child witness, parents, or legal guardians to anyone
15 except another law enforcement agency, prosecutor, defense counsel, or
16 private or governmental agency that provides services to the child
17 victim or witness.

18 (4) To allow an advocate to make recommendations to the prosecuting
19 attorney about the ability of the child to cooperate with prosecution
20 and the potential effect of the proceedings on the child.

21 (5) To allow an advocate to provide information to the court
22 concerning the child's ability to understand the nature of the
23 proceedings.

24 (6) To be provided information or appropriate referrals to social
25 service agencies to assist the child and/or the child's family with the
26 emotional impact of the crime, the subsequent investigation, and
27 judicial proceedings in which the child is involved.

28 (7) To allow an advocate to be present in court while the child
29 testifies in order to provide emotional support to the child.

1 (8) To provide information to the court as to the need for the
2 presence of other supportive persons at the court proceedings while the
3 child testifies in order to promote the child's feelings of security
4 and safety.

5 (9) To allow law enforcement agencies the opportunity to enlist the
6 assistance of other professional personnel such as child protection
7 services, victim advocates or prosecutorial staff trained in the
8 interviewing of the child victim.

9 *Sec. 4 was vetoed, see message at end of chapter.

10 *Sec. 5. RCW 13.40.140 and 1981 c 299 s 11 are each amended to read
12 as follows:

13 (1) A juvenile shall be advised of his or her rights when appearing
14 before the court.

15 (2) A juvenile and his or her parent, guardian, or custodian shall
16 be advised by the court or its representative that the juvenile has a
17 right to be represented by counsel at all critical stages of the
18 proceedings. Unless waived, counsel shall be provided to a juvenile
19 who is financially unable to obtain counsel without causing substantial
20 hardship to himself or herself or the juvenile's family, in any
21 proceeding where the juvenile may be subject to transfer for criminal
22 prosecution, or in any proceeding where the juvenile may be in danger
23 of confinement. The ability to pay part of the cost of counsel does
24 not preclude assignment. In no case may a juvenile be deprived of
25 counsel because of a parent, guardian, or custodian refusing to pay
26 therefor. The juvenile shall be fully advised of his or her right to
27 an attorney and of the relevant services an attorney can provide.

28 (3) The right to counsel includes the right to the appointment of
29 experts necessary, and the experts shall be required pursuant to the
30 procedures and requirements established by the supreme court.

1 (4) Upon application of a party, the clerk of the court shall
2 issue, and the court on its own motion may issue, subpoenas requiring
3 attendance and testimony of witnesses and production of records,
4 documents, or other tangible objects at any hearing, or such subpoenas
5 may be issued by an attorney of record.

6 (5) All proceedings shall be transcribed verbatim by means which
7 will provide an accurate record.

8 (6) The general public and press shall be permitted to attend any
9 hearing unless the court, for good cause, orders a particular hearing
10 to be closed. The presumption shall be that all such hearings will be
11 open. As provided in section 3 of this act, a child victim of sexual
12 assault is entitled to have information identifying the child victim
13 remain confidential unless the child victim or the child victim's
14 legal guardian consents to the disclosure. The court shall ensure that
15 victim-identifying information is not disseminated as provided in
16 section 3 (2) and (3) of this act. Dissemination of information
17 identifying a child victim of sexual assault in violation of section 3
18 of this act constitutes good cause for closing the hearing.

19 (7) In all adjudicatory proceedings before the court, all parties
20 shall have the right to adequate notice, discovery as provided in
21 criminal cases, opportunity to be heard, confrontation of witnesses
22 except in such cases as this chapter expressly permits the use of
23 hearsay testimony, findings based solely upon the evidence adduced at
24 the hearing, and an unbiased fact-finder.

25 (8) A juvenile shall be accorded the same privilege against self-
26 incrimination as an adult. An extrajudicial statement which would be
27 constitutionally inadmissible in a criminal proceeding may not be
28 received in evidence at an adjudicatory hearing over objection.
29 Evidence illegally seized or obtained may not be received in evidence
30 over objection at an adjudicatory hearing to prove the allegations

1 *against the juvenile if the evidence would be inadmissible in an adult*
2 *criminal proceeding. An extrajudicial admission or confession made by*
3 *the juvenile out of court is insufficient to support a finding that the*
4 *juvenile committed the acts alleged in the information unless evidence*
5 *of a corpus delicti is first independently established in the same*
6 *manner as required in an adult criminal proceeding.*

7 *(9) Waiver of any right which a juvenile has under this chapter*
8 *must be an express waiver intelligently made by the juvenile after the*
9 *juvenile has been fully informed of the right being waived.*

10 *(10) Whenever this chapter refers to waiver or objection by a*
11 *juvenile, the word juvenile shall be construed to refer to a juvenile*
12 *who is at least twelve years of age. If a juvenile is under twelve*
13 *years of age, the juvenile's parent, guardian, or custodian shall give*
14 *any waiver or offer any objection contemplated by this chapter.*

15 **Sec. 5 was vetoed, see message at end of chapter.*

16 NEW SECTION. **Sec. 6.** A new section is added to chapter 42.17 RCW
17 to read as follows:

18 Information revealing the identity of child victims of sexual
19 assault who are under age eighteen is confidential and not subject to
20 public disclosure. Identifying information means the child victim's
21 name, address, location, photograph, and in cases in which the child
22 victim is a relative or stepchild of the alleged perpetrator,
23 identification of the relationship between the child and the alleged
24 perpetrator.

25 **Sec. 7.** RCW 13.50.050 and 1990 c 3 s 125 are each amended to read
26 as follows:

27 (1) This section governs records relating to the commission of
28 juvenile offenses, including records relating to diversions.

1 (2) The official juvenile court file of any alleged or proven
2 juvenile offender shall be open to public inspection, unless sealed
3 pursuant to subsection (11) of this section.

4 (3) All records other than the official juvenile court file are
5 confidential and may be released only as provided in this section, RCW
6 13.50.010, 13.40.215, and 4.24.550.

7 (4) Except as otherwise provided in this section and RCW 13.50.010,
8 records retained or produced by any juvenile justice or care agency may
9 be released to other participants in the juvenile justice or care
10 system only when an investigation or case involving the juvenile in
11 question is being pursued by the other participant or when that other
12 participant is assigned the responsibility for supervising the
13 juvenile.

14 (5) Except as provided in RCW 4.24.550, information not in an
15 official juvenile court file concerning a juvenile or a juvenile's
16 family may be released to the public only when that information could
17 not reasonably be expected to identify the juvenile or the juvenile's
18 family.

19 (6) Notwithstanding any other provision of this chapter, the
20 release, to the juvenile or his or her attorney, of law enforcement and
21 prosecuting attorneys' records pertaining to investigation, diversion,
22 and prosecution of juvenile offenses shall be governed by the rules of
23 discovery and other rules of law applicable in adult criminal
24 investigations and prosecutions.

25 (7) The juvenile court and the prosecutor may set up and maintain
26 a central record-keeping system which may receive information on all
27 alleged juvenile offenders against whom a complaint has been filed
28 pursuant to RCW 13.40.070 whether or not their cases are currently
29 pending before the court. The central record-keeping system may be
30 computerized. If a complaint has been referred to a diversion unit,

1 the diversion unit shall promptly report to the juvenile court or the
2 prosecuting attorney when the juvenile has agreed to diversion. An
3 offense shall not be reported as criminal history in any central
4 record-keeping system without notification by the diversion unit of the
5 date on which the offender agreed to diversion.

6 (8) Upon request of the victim of a crime or the victim's immediate
7 family, the identity of an alleged or proven juvenile offender alleged
8 or found to have committed a crime against the victim and the identity
9 of the alleged or proven juvenile offender's parent, guardian, or
10 custodian and the circumstance of the alleged or proven crime shall be
11 released to the victim of the crime or the victim's immediate family.

12 (9) Subject to the rules of discovery applicable in adult criminal
13 prosecutions, the juvenile offense records of an adult criminal
14 defendant or witness in an adult criminal proceeding shall be released
15 upon request to prosecution and defense counsel after a charge has
16 actually been filed. The juvenile offense records of any adult
17 convicted of a crime and placed under the supervision of the adult
18 corrections system shall be released upon request to the adult
19 corrections system.

20 (10) In any case in which an information has been filed pursuant to
21 RCW 13.40.100 or a complaint has been filed with the prosecutor and
22 referred for diversion pursuant to RCW 13.40.070, the person the
23 subject of the information or complaint may file a motion with the
24 court to have the court vacate its order and findings, if any, and,
25 subject to subsection (24) of this section, order the sealing of the
26 official juvenile court file, the social file, and records of the court
27 and of any other agency in the case.

28 (11) The court shall grant the motion to seal records made pursuant
29 to subsection (10) of this section if it finds that:

1 (a) Two years have elapsed from the later of: (i) Final discharge
2 of the person from the supervision of any agency charged with
3 supervising juvenile offenders; or (ii) from the entry of a court order
4 relating to the commission of a juvenile offense or a criminal offense;

5 (b) No proceeding is pending against the moving party seeking the
6 conviction of a juvenile offense or a criminal offense; and

7 (c) No proceeding is pending seeking the formation of a diversion
8 agreement with that person.

9 (12) The person making a motion pursuant to subsection (10) of this
10 section shall give reasonable notice of the motion to the prosecution
11 and to any person or agency whose files are sought to be sealed.

12 (13) If the court grants the motion to seal made pursuant to
13 subsection (10) of this section, it shall, subject to subsection (24)
14 of this section, order sealed the official juvenile court file, the
15 social file, and other records relating to the case as are named in the
16 order. Thereafter, the proceedings in the case shall be treated as if
17 they never occurred, and the subject of the records may reply
18 accordingly to any inquiry about the events, records of which are
19 sealed. Any agency shall reply to any inquiry concerning confidential
20 or sealed records that records are confidential, and no information can
21 be given about the existence or nonexistence of records concerning an
22 individual.

23 (14) Inspection of the files and records included in the order to
24 seal may thereafter be permitted only by order of the court upon motion
25 made by the person who is the subject of the information or complaint,
26 except as otherwise provided in RCW 13.50.010(8) and subsection (24) of
27 this section.

28 (15) Any adjudication of a juvenile offense or a crime subsequent
29 to sealing has the effect of nullifying the sealing order. Any
30 conviction for any adult felony subsequent to the sealing has the

1 effect of nullifying the sealing order for the purposes of chapter
2 9.94A RCW for any juvenile adjudication of guilt for a class A offense
3 or a sex offense as defined in RCW 9.94A.030.

4 (16) In any case in which an information has been filed pursuant to
5 RCW 13.40.100 or a complaint has been filed with the prosecutor and
6 referred for diversion pursuant to RCW 13.40.070, the person who is the
7 subject of the information or complaint may file a motion with the
8 court to have the court vacate its order and findings, if any, and,
9 subject to subsection (24) of this section, order the destruction of
10 the official juvenile court file, the social file, and records of the
11 court and of any other agency in the case.

12 (17) The court may grant the motion to destroy records made
13 pursuant to subsection (16) of this section if it finds:

14 (a) The person making the motion is at least twenty-three years of
15 age;

16 (b) The person has not subsequently been convicted of a felony;

17 (c) No proceeding is pending against that person seeking the
18 conviction of a criminal offense; and

19 (d) The person has never been found guilty of a serious offense.

20 (18) A person eighteen years of age or older whose criminal history
21 consists of only one referral for diversion may request that the court
22 order the records in that case destroyed. The request shall be
23 granted, subject to subsection (24) of this section, if the court finds
24 that two years have elapsed since completion of the diversion
25 agreement.

26 (19) If the court grants the motion to destroy records made
27 pursuant to subsection (16) or (18) of this section, it shall, subject
28 to subsection (24) of this section, order the official juvenile court
29 file, the social file, and any other records named in the order to be
30 destroyed.

1 (20) The person making the motion pursuant to subsection (16) or
2 (18) of this section shall give reasonable notice of the motion to the
3 prosecuting attorney and to any agency whose records are sought to be
4 destroyed.

5 (21) Any juvenile to whom the provisions of this section may apply
6 shall be given written notice of his or her rights under this section
7 at the time of his or her disposition hearing or during the diversion
8 process.

9 (22) Nothing in this section may be construed to prevent a crime
10 victim or a member of the victim's family from divulging the identity
11 of the alleged or proven juvenile offender or his or her family when
12 necessary in a civil proceeding.

13 (23) Any juvenile justice or care agency may, subject to the
14 limitations in subsection (24) of this section and subparagraphs (a)
15 and (b) of this subsection, develop procedures for the routine
16 destruction of records relating to juvenile offenses and diversions.

17 (a) Records may be routinely destroyed only when the person the
18 subject of the information or complaint has attained twenty-three years
19 of age or older, or is eighteen years of age or older and his or her
20 criminal history consists entirely of one diversion agreement and two
21 years have passed since completion of the agreement.

22 (b) The court may not routinely destroy the official juvenile court
23 file or recordings or transcripts of any proceedings.

24 (24) No identifying information held by the Washington state patrol
25 in accordance with chapter 43.43 RCW is subject to destruction or
26 sealing under this section. For the purposes of this subsection,
27 identifying information includes photographs, fingerprints, palmprints,
28 soleprints, toeprints and any other data that identifies a person by
29 physical characteristics, name, birthdate or address, but does not
30 include information regarding criminal activity, arrest, charging,

1 diversion, conviction or other information about a person's treatment
2 by the criminal justice system or about the person's behavior.

3 (25) Information identifying child victims under age eighteen who
4 are victims of sexual assaults by juvenile offenders is confidential
5 and not subject to release to the press or public without the
6 permission of the child victim or the child's legal guardian.
7 Identifying information includes the child victim's name, addresses,
8 location, photographs, and in cases in which the child victim is a
9 relative of the alleged perpetrator, identification of the relationship
10 between the child and the alleged perpetrator. Information identifying
11 a child victim of sexual assault may be released to law enforcement,
12 prosecutors, judges, defense attorneys, or private or governmental
13 agencies that provide services to the child victim of sexual assault.

14 NEW SECTION. Sec. 8. A new section is added to chapter 10.97 RCW
15 to read as follows:

16 Information identifying child victims under age eighteen who are
17 victims of sexual assaults is confidential and not subject to release
18 to the press or public without the permission of the child victim or
19 the child's legal guardian. Identifying information includes the child
20 victim's name, addresses, location, photographs, and in cases in which
21 the child victim is a relative or stepchild of the alleged perpetrator,
22 identification of the relationship between the child and the alleged
23 perpetrator. Information identifying the child victim of sexual
24 assault may be released to law enforcement, prosecutors, judges,
25 defense attorneys, or private or governmental agencies that provide
26 services to the child victim of sexual assault. Prior to release of any
27 criminal history record information, the releasing agency shall delete
28 any information identifying a child victim of sexual assault from the
29 information except as provided in this section.

1 NEW SECTION. **Sec. 9.** A new section is added to chapter 10.52 RCW
2 to read as follows:

3 Child victims of sexual assault who are under the age of eighteen,
4 have a right not to have disclosed to the public or press at any court
5 proceeding involved in the prosecution of the sexual assault, the child
6 victim's name, address, location, photographs, and in cases in which
7 the child victim is a relative or stepchild of the alleged perpetrator,
8 identification of the relationship between the child and the alleged
9 perpetrator. The court shall ensure that information identifying the
10 child victim is not disclosed to the press or the public and that in
11 the event of any improper disclosure the court shall make all necessary
12 orders to restrict further dissemination of identifying information
13 improperly obtained. Court proceedings include but are not limited to
14 pretrial hearings, trial, sentencing, and appellate proceedings. The
15 court shall also order that any portion of any court records,
16 transcripts, or recordings of court proceedings that contain
17 information identifying the child victim shall be sealed and not open
18 to public inspection unless those identifying portions are deleted from
19 the documents or tapes.

20 NEW SECTION. **Sec. 10.** If any provision of this act or its
21 application to any person or circumstance is held invalid, the
22 remainder of the act or the application of the provision to other
23 persons or circumstances is not affected.

Passed the House February 18, 1992.

Passed the Senate March 6, 1992.

Approved by the Governor April 2, 1992, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State April 2, 1992.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 3, 4 and 5, Substitute House Bill No. 2348 entitled:

"AN ACT Relating to the confidentiality of victim-identifying information in cases of child victims of sexual abuse."

The legislature should be applauded for advocating for the protection of privacy interests of child victims of sexual assault. Substitute House Bill No. 2348 is an attempt to regulate access to, and dissemination of, the names and identifying information of child victims of sexual assault. We have a moral obligation to protect our children from the impact of insensitive disclosure of this information. Child victims are often stigmatized by peers or traumatized by public knowledge of the events that have occurred. This traumatization makes recovery from the effects of the crime more difficult and creates a sense of continuing victimization. Victims may fear public knowledge about the events and may be reluctant to step forward and report the crime to law enforcement.

This bill takes necessary steps to assure that information on child victims of sexual assault is not disseminated. It sets a very high standard for protecting the privacy interests of child victims.

Despite the improvements made by the legislature, I am forced to veto sections 3, 4 and 5, because of the unconstitutional prior restraint placed upon the press in its efforts to publish information about sexual assault victims. The courts have consistently said that prior restraint on speech and publication is the most serious and least tolerable infringement on First Amendment rights. The courts have also stated that there may be no prior restraint on reporting what transpires in open court, whether before or during trial.

Were I to sign this bill into law in its entirety, there is no doubt that major provisions of this Act would be found unconstitutional.

Other provisions of Substitute House Bill No. 2348 address two areas that will strongly protect the privacy interests of child victims of sexual assault. First, none of the information about the identity of the sexual assault victim shall be disclosed. This includes information gathered by law enforcement, social service entities, and the courts. Further, the courts have the authority to close their courtrooms for good cause. Section 9 specifically says that "the court shall ensure that information identifying the child victim is not disclosed to the press or public." The court shall also "order that any portion of any court records, transcripts or recordings of court proceedings that contain information identifying the child victim shall be sealed and not opened to public inspection."

The strength of these directives prohibits the disclosure of identifying information and sends a very strong message --- a message

that says we will not tolerate the infringement on the rights of child victims of sexual assault.

For these reasons, I have vetoed sections 3, 4 and 5, of Substitute House Bill No. 2348.

With the exception of sections 3, 4 and 5, Substitute House Bill No. 2348 is approved."