

ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda-underwritten by global corporations--includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

ALEC's Corporate Board --in recent past or present

- AT&T Services, Inc.
- centerpoint360
- UPS
- Bayer Corporation
- GlaxoSmithKline
- Energy Future Holdings
- Johnson & Johnson
- Coca-Cola Company
- PhRMA
- Kraft Foods, Inc.
- Coca-Cola Co.
- Pfizer Inc.
- Reed Elsevier, Inc.
- DIAGEO
- Peabody Energy
- Intuit, Inc.
- Koch Industries, Inc.
- ExxonMobil
- Verizon
- Reynolds American Inc.
- Wal-Mart Stores, Inc.
- Salt River Project
- Altria Client Services, Inc.
- American Bail Coalition
- State Farm Insurance

For more on these corporations, search at www.SourceWatch.org.

DID YOU KNOW? Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

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Victim and Witness Address Confidentiality Act

Did you know the NRA--the National Rifle Association--was the corporate co-chair in 2011?

Summary

This Act would restrict the individuals who may have access to the addresses and phone numbers of witnesses and victims to law enforcement and the prosecuting attorney. Victim assistance organizations may be granted addresses and phone numbers with approval of the prosecuting attorney. All others, including the defense counsel, need the consent of a witness or victim in order to have access to the address or phone number. The Act would also establish procedures for scheduling interviews between the defense counsel, victims, and witnesses.

Model Legislation.

{Title, enacting clause, etc.}

Section 1. {Title.} This Act may be cited as the Victim and Witness Address Confidentiality Act.

Section 2. {Definitions.} As used in this Act:

(A) "Victim" means an individual who suffers direct or threatened physical, emotional, or financial harm as the result of the commission of a crime, or an immediate family member of a homicide victim or a minor victim.

(B) "Witness" means an individual who has witnessed the commission of a crime, or who is otherwise called upon to cooperate by law enforcement officers or prosecutors in the investigation of a crime.

Section 3. {Confidentiality of victim and witness addresses and telephone numbers.} The residence and business addresses and telephone numbers of any victim of or witness to a crime shall be confidential. No report, paper, picture, photograph, court file, or other document that relates to a crime and contains the residence or business address or telephone number of a victim or witness, and that is in the custody or possession of any public officer or employee, including the prosecuting attorney, the police, and any clerks, officials, or employees of any state court, shall be made available for public inspection, unless the residence and business addresses and telephone numbers of victims and witnesses have been deleted. No such public officer or employee shall disclose the residence or business address or telephone number of such a victim or witness except to:

(A) the public officers and employees, including police, prosecutors, probation and prison officers and employees, and court officials and employees, not to include counsel for the defense, who are charged with the duty of investigating, prosecuting, or keeping records relating to the crime or the defendant, or with performing any other act when done pursuant to the lawful discharge of their duties;

(B) any government agency or entity that provides compensation or services to victims or witnesses, or that investigates or adjudicates claims for such compensation or services;

(C) any organization or group that has as its primary purpose the provision of counseling, services, or other assistance to victims of crime, and that requires the addresses or telephone numbers of victims to offer such services, and that is approved for receipt of such information in accordance with the provisions of Section 8, except that under no circumstances shall a victim's or witness' residence or business address or telephone number be disclosed to entities who seek this information for commercial purposes;

(D) any person or agency, upon written consent of the victim or witness or the parents, spouse, or other person legally responsible for the care of the victim or witness except as may otherwise be required or provided by the order of a court; or

(E) any person who, either prior to or after the trial of the case involving the victim or witness, makes application to a court having jurisdiction over the alleged crime, and is authorized by court order to receive such information. The court order shall issue only after:

(1) the person making the application demonstrates to the satisfaction of the court that good cause exists for disclosure to that person;

(2) the court is reasonably assured by the prosecuting attorney that the victim or witness is known not to be at risk of personal harm resulting from the disclosure, or is

adequately protected from such risk; and

(3) notice has been given to the victim or witness affected by the order, or the parents, spouse, or other person legally responsible for the care of that victim or witness, and to the prosecuting attorney at least 120 hours before the signing of such order. The victim or witness, or the parents, spouse, or other person legally responsible for the care of that victim or witness, affected by the order may appeal to the appropriate court the decision to order disclosure, and there shall be no disclosure until such appeal is heard and decided.

Section 4. {Defense interviews.} Prior to trial, upon request of counsel for the defendant to interview a victim or witness, the prosecuting attorney shall ensure that the victim or witness sought to be interviewed is informed of that request and of the right of the victim or witness to either grant or refuse that request. The prosecutor shall ask if the victim or witness will consent to such an interview, and shall ensure that the defense counsel is informed of the response of the victim or witness. If the victim or witness consents to be interviewed, the prosecuting attorney shall so inform the defense counsel, and shall offer to the victim or witness space for a meeting in the prosecuting attorney's offices or, at the option of the prosecuting attorney, some other appropriate neutral site. The prosecuting attorney shall not be required to but may attend the meeting. The victim or witness shall be free to make other arrangements to contact or meet with counsel for the defense, and the prosecuting attorney shall not interfere with nor impede those arrangements. Nothing in this section shall be construed as prohibiting defense counsel from contacting the victim or witness directly for the purposes of interviewing the victim or witness, if the defense counsel has obtained lawfully the address or telephone number of the victim or witness from a source other than the prosecutor.

Section 5. {Disclosure of addresses and telephone numbers during trial.} During a trial or hearing related to a criminal prosecution, the court shall require that the residence and business addresses and telephone numbers of any victim of or witness to the crime shall not be disclosed in open court, and that a victim or witness shall not be required to provide the addresses or telephone numbers of the victim or witness in response to defense or prosecution questioning, unless the court determines that there is a clear need for such disclosure because the information is necessary and relevant to the facts of the case or to the credibility of the witness. The burden to establish the need and relevance for disclosure shall be on the defense or the party seeking disclosure. Prior to ordering disclosure, the court also shall be reasonably assured that the victim or witness is known not to be at risk of personal harm resulting from the disclosure, or is adequately protected from such risk.

Section 6. {Other necessary restrictions.} The court having jurisdiction over the alleged crime may order any restrictions upon the disclosures authorized in this Act as it deems necessary and proper to preserve the confidentiality of the residence or business address or telephone number of the victim or witness.

Section 7. {Public and media access; defense discovery; right to report.} Nothing contained in this Act shall be construed to require the court to exclude the public from any stage of the criminal proceeding or otherwise interfere with a defendant's discovery rights, the public's right of access to governmental records, or the right of news media to report information lawfully obtained.

Section 8. {Victim and witness service organizations.}

(A) The prosecuting attorney, or his designee, in the district in which a private victim-service organization makes a request for the addresses and telephone numbers of victims and witnesses may authorize the release to the victim-service organization of such information by the prosecutor's office, law enforcement agencies, or other public officers or employees, if the prosecuting attorney concludes:

(1) the organization's primary and bona fide purpose is to provide services, counseling, or other assistance to victims of crime;

(2) such services are of sufficient quality so that it will be in the best interests of victims and/or witnesses to be offered such services by the organization; and

(3) the organization is not seeking the information for commercial purposes. Commercial agencies or companies and for-profit organizations are not to be considered organizations whose primary and bona fide purpose is to provide services, counseling, or other assistance to victims of crime.

(B) A private victim-service organization that is denied access by the prosecuting attorney or other designated official to the addresses and telephone numbers of victims may request review by the state attorney general of the decision. The state attorney general may order the release of addresses and telephone numbers of victims and witnesses if in the opinion of the attorney general the organization meets the criteria set forth in Subsection (A).

(C) Public and private victim-service agencies or organizations, and the employees or volunteers who work for them, who are provided or otherwise obtain the addresses or telephone numbers of a victim or witness of a crime shall keep such information confidential. It shall be unlawful, except for purposes directly connected with the provision of services to the victim or witness or with the administration of the agencies' or organizations' programs or services, for any victim-service agency or organization, or any person employed or affiliated with such agency or organization, either as an employee, volunteer, or other worker, to disclose, solicit, receive, make use of, or authorize or knowingly permit the use or disclosure of the addresses or telephone numbers of the victim or witness, absent written consent of the victim or witness.

Section 9. {Severability clause.}

Section 10. {Repealer clause.}

Section 11. {Effective date.}

ALEC's Sourcebook of American State Legislation 1995

About Us and ALEC EXPOSED. The Center for Media and Democracy reports on corporate spin and government propaganda. We are located in Madison, Wisconsin, and publish www.PRWatch.org, www.SourceWatch.org, and now www.ALECexposed.org. For more information contact: editor@prwatch.org or 608-260-9713.