

8 GCA CRIMINAL PROCEDURE
CH. 91 PRIVACY FOR VULNERABLE WITNESSES

CHAPTER 91
PRIVACY FOR VULNERABLE WITNESSES

SOURCE: This Chapter was added by P.L. 29-126: 1 (Dec. 22, 2008), as §§ 91101-91104. Renumbered by Compiler to harmoniously fit this Title.

- § 91.01 Exclusion of Public from Trial for Sex Offenses Involving Minors Under Age of Eighteen.
- § 91.02 Exclusion of Public from Trial of Criminal Proceeding Involving Husband and Wife.
- § 91.03 Exclusion of Public from Trial Involving Crime of Incest, Child Pornography *or* Criminal Sexual Conduct.
- § 91.04 Compelling Interest Must Justify Closure.

§ 91.01. Exclusion of Public from Trial for Sex Offenses Involving Minors Under Age of Eighteen.

At the trial of a complaint *or* indictment for criminal sexual conduct, incest, carnal abuse *or* other crime involving sex, where a minor under eighteen (18) years of age is the person upon, with *or* against whom the crime is alleged to have been committed *or* at the trial of a complaint *or* indictment for any criminal act in which a child was conceived as a result of such act or related act (such as stalking where the predator committed a prior sexual assault against the stalking victim), *or* for the non-support of a child born out of wedlock, the judge *may* exclude the general public from the court room, admitting only such persons as may have a direct interest in the case.

§ 91.02. Exclusion of Public from Trial of Criminal Proceeding Involving Husband and Wife.

The judge *may* exclude the general public from the court room during the trial of any criminal proceeding involving husband and wife.

§ 91.03. Exclusion of Public from Trial Involving Crime of Incest, Child Pornography *or* Criminal Sexual Conduct.

To protect the parties involved at a trial arising from a complaint *or* indictment for incest, child pornography *or* criminal sexual conduct, the judge *may* exclude all spectators from the courtroom in which such trial is being held, *or* from said courtroom during those portions of such trial when direct testimony is to be presented; provided, that either of the parties requests that all spectators be so excluded at the trial *or* portions thereof;

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and provided further, that the defendant in such trial by a written statement waives his right to a public trial for those portions from which spectators are so excluded.

§ 91.04. Compelling Interest Must Justify Closure.

The court must determine, on a case-by-case basis, whether the Territory's legitimate concern for the victim's well-being necessitates closure of court proceedings as provided for in §§ 91.01, 91.02 and 91.03 of this Chapter. In accommodating the Territory's interest for closure of court proceedings, the court *shall* further determine *if* such accommodation requires the closure *or* all proceedings *or* only portions of the proceedings. The court *may*, in consideration of accommodating the Territory's interest for closure of court proceedings, deny access to the transcript, court personnel, *or* any other possible source that could provide an account of the victim's testimony during such time the order of closure was in effect. The court *may*, in consideration of accommodating the Territory's interest for closure of court proceedings, deny access to the victim's identity.
