

§2108. Confidentiality of victim records

1. General rule of confidentiality. Records that pertain to a victim's current address or location or that contain information from which a victim's current address or location could be determined must be kept confidential, subject to disclosure only as authorized in this section.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

2. Disclosure to law enforcement or victims' service agency. Records that pertain to a victim's current address or location or that contain information from which a victim's current address or location could be determined may be disclosed only to:

A. A state agency if necessary to carry out the statutory duties of that agency; [PL 2019, c. 113, Pt. A, §2 (NEW).]

B. A criminal justice agency if necessary to carry out the administration of criminal justice or the administration of juvenile justice; [PL 2019, c. 113, Pt. A, §2 (NEW).]

C. A victims' service agency with a written agreement with a criminal justice agency to provide services as a victim advocate; [PL 2021, c. 174, §7 (AMD).]

D. A person or agency upon request of the victim; [PL 2021, c. 174, §7 (AMD).]

E. A certified domestic violence intervention program in which the defendant in a criminal proceeding involving the victim has enrolled or will enroll; or [PL 2021, c. 174, §7 (NEW).]

F. The domestic violence center serving the same county as the certified domestic violence intervention program in which the defendant in a criminal proceeding involving the victim has enrolled or will enroll. [PL 2021, c. 174, §7 (NEW).]

[PL 2021, c. 174, §7 (AMD).]

3. Limited disclosure as part of bail condition or court order. A bail commissioner, judge, justice, court clerk, law enforcement officer or attorney for the State may disclose a victim's current address or location to the defendant or accused person, or the attorney or authorized agent of the defendant or accused person, as part of a bail condition or court order restricting contact with the victim only when it is clear that the defendant already knows the victim's current address or location or when the victim requests that such bail condition or court order be issued and the victim requests that the current address or location be specified.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

4. Limited disclosure pursuant to discovery. An attorney for the State may withhold the current address or location of a victim from the defendant, or the attorney or authorized agent of the defendant, if the attorney for the State has a good faith belief that such disclosure may compromise the safety of the victim.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

5. Disclosure of victim's request for notice prohibited. In no case may a victim's request for notification of the defendant's release under section 2106 be disclosed except to those employees of the agency to which the defendant is committed and the office of the attorney for the State with which the request was filed in order for those persons to perform their official duties under this chapter.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW). PL 2021, c. 174, §7 (AMD).

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