



NATIONAL CRIME VICTIM LAW INSTITUTE

SURVEY OF SELECT STATE LAWS GOVERNING DEFENDANT/DEFENSE TEAM CONTACT WITH CRIME VICTIMS

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This resource compiles select state laws that expressly address defendant/defense team contact with crime victims, focusing on four categories: (1) laws requiring that defense counsel and/or other members of the defense team contact victims through the prosecution and/or other state offices;¹ (2) laws requiring that, when defense counsel and/or other members of the defense team do contact a victim, they clearly identify themselves and their association with the defendant;² (3) laws affording victims the right to refuse defense requests for interviews, depositions, discovery, and/or other forms of communication;³ and (4) laws requiring, when possible, separate and/or secure waiting areas for crime victims and/or other measures to minimize contact between victims and defendants.⁴ In general, this chart does not explore how courts have applied these laws or otherwise analyzed procedures related to defendant/defense team contact with victims;⁵ practitioners are encouraged to research relevant case law to learn more about the provisions included below, as well as state practices that have not been codified. This resource is a survey of select laws and is not intended as an exhaustive resource of all relevant laws.

¹ See, e.g., Tex. Code Crim. Proc. Ann. art. 56A.051(a)(14)(B)–(C); see also, e.g., Fla. R. Crim. P. 3.220(h)(6) (providing that the deposition of any witness should be coordinated through a witness coordinating office, if one has been established in the jurisdiction); Minn. Stat. Ann. § 611A.035, subd. 1(b)(2) (providing that when a prosecutor moves for an order to withhold from disclosure a victim's home or employment address, telephone number or date of birth due to concerns about the victim's safety and security, the court may, *inter alia*, “order the prosecutor to contact the victim . . . to arrange a confidential meeting between defense counsel, or defense counsel's agent, and the victim or witness, at a neutral location, if the victim or witness consents to a meeting”). The United States District Court for the District of Arizona recently found Ariz. Rev. Stat. Ann. § 13-4433(B), which requires that defense counsel only initiate contact with a victim through the prosecutor's office, unconstitutional. *See Ariz. Att'ys for Crim. Just. v. Ducey*, No. CV-17-01422-PHX-SPL, 2022 WL 16631088, at *25, 27 (D. Ariz. Nov. 2, 2022) (holding that the

statute is impermissibly overbroad and violates the First Amendment, and granting a permanent injunction enjoining enforcement of the statute against attorneys and their agents).

² See, e.g., Alaska Stat. Ann. § 12.61.120(c)(1); Colo. Rev. Stat. Ann. § 24-4.1-305(1); D.C. Code Ann. § 23-1903(b); Ga. Code Ann. § 17-17-8.1(c); Or. Rev. Stat. Ann. § 135.970(2); 42 Pa. Stat. and Cons. Stat. Ann. § 9521; Vt. Stat. Ann. tit. 13, § 5316; see also, e.g., Wyo. Stat. Ann. § 1-40-204(b)(vii) (providing that prosecutors must inform victims in writing that “the attorneys involved and their investigators are advocates either for the state or for the defendant”).

³ See, e.g., Ala. Code § 15-23-70; Ariz. Const. art. II, § 2.1(A)(5); Cal. Const. art. I, § 28(b)(5); Ga. Code Ann. § 17-17-8.1(a); Idaho Const. art. I, § 22(8); Idaho Code Ann. § 19-5306(1)(g); La. Const. Ann. art. I, § 25; La. Stat. Ann. § 46:1844(C)(3); Mass. Gen. Laws ch. 258B, § 3(m); Nev. Const. art. I, § 8A(1)(e); N.D. Const. art. I, § 25(1)(f); Okla. Const. art. II, § 34(A); Okla. Stat. Ann. tit. 21, § 142A-2(A)(14); Or. Const. art. I, § 42(1)(c); Or. Rev. Stat. Ann. § 135.970(3); S.D. Const. art. VI, § 29(6); Tenn. Code Ann. § 40-38-117; Wis. Const. art. I, § 9m(2)(L); see also, e.g., N.J. Stat. Ann. § 52:4B-60.2(c)(7) (providing sexual violence victims with the right “[t]o choose whether to participate in any investigation of the assault”); Vt. Stat. Ann. tit. 13, § 5314(b)(5) (requiring law enforcement agencies to inform victims that “no individual is under an obligation to respond to questions that may be asked outside a courtroom or deposition”); Wyo. Stat. Ann. § 1-40-204(b)(viii) (providing that prosecutors must inform victims that they have a “right to refuse to talk to attorneys, private investigators, law enforcement, or anyone else unless on the witness stand or subpoena”). Some of the jurisdictions that afford victims the right to refuse an interview request also expressly afford victims the right to set the conditions of an interview to which they do consent. See, e.g., Ariz. Rev. Stat. Ann. § 13-4433(D); Cal. Const. art. I, § 28(b)(5); Ga. Code Ann. § 17-17-8.1(b); Mass. Gen. Laws ch. 258B, § 3(m); Nev. Const. art. I, § 8A(1)(e); N.D. Const. art. I, § 25(1)(f); S.D. Const. art. VI, § 29(6).

⁴ Some jurisdictions frame these laws as affirmative rights for victims. See, e.g., Colo. Rev. Stat. Ann. § 24-4.1-302.5(1)(p); Ga. Code Ann. § 17-17-9(c); Haw. Rev. Stat. Ann. § 801D-4(a)(5); Mass. Gen. Laws Ann. ch. 258B, § 3(i); Mo. Ann. Stat. § 595.209(1)(17); Neb. Rev. Stat. Ann. § 81-1848(2)(f); N.H. Rev. Stat. Ann. § 21-M:8-k(II)(k); N.J. Stat. Ann. § 52:4B-36(j); N.Y. Exec. Law § 642(2); N.D. Cent. Code Ann. § 12.1-34-02(10); Okla. Stat. Ann. tit. 21, § 142A-2(A)(6); 12 R.I. Gen. Laws Ann. § 12-28-3(a)(5); Tex. Code Crim. Proc. Ann. art. 56A.051(a)(8); Va. Code Ann. § 19.2-11.01(A)(1)(b); Wash. Rev. Code Ann. § 7.69.030(6); Wyo. Stat. Ann. § 1-40-205(b); see also, e.g., Md. Code Ann., Crim. Proc. § 11-1002(b)(5) (stating that victims “should be provided, to the extent practicable” a separate waiting area); Utah Code Ann. § 77-37-3(1)(d) (“Victims and witnesses should have a secure waiting area that does not require them to be in close proximity to defendants or the family and friends of defendants.”); W. Va. Code Ann. § 61-11A-6(a)(6) (“Victims and other prosecution witnesses should be provided a waiting area that is separate from all other witnesses prior to court appearances, if feasible.”). Some jurisdictions frame these laws as obligations of courts, prosecutors and/or law enforcement agencies. See, e.g., Ala. Code § 15-23-68; Ariz. Rev. Stat. Ann. § 13-4431; Colo. Rev. Stat. Ann. § 24-4.1-303(5); Del. Code Ann. tit. 11, § 9406(a); D.C. Code Ann. § 23-1903(a); Ga. Code Ann. § 17-17-9(c); 725 Ill. Comp. Stat. Ann. 120/4.5(b)(6); Ind. Code Ann. § 35-37-4-11(a)–(b); La. Stat. Ann. § 46:1844(G); Mich. Comp. Laws Ann. § 780.757; Minn. Stat. Ann. § 611A.034; Miss. Code Ann. § 99-43-23; Nev. Rev. Stat. Ann. § 178.5696(1); N.C. Gen. Stat. Ann. § 15A-825(a)(5); N.C. Gen. Stat. Ann. § 15A-832.1(e); N.C. Gen. Stat. Ann. § 15A-832(d); N.D. Cent. Code Ann. § 12.1-34-02(10); Ohio Rev. Code Ann. § 2930.10; Utah Code Ann. § 77-37-3(1)(d); Wis. Stat. Ann. § 967.10(2). Another way that jurisdictions address this issue is through laws calling for the creation of separate waiting spaces as part of the construction of new court facilities. See, e.g., Ariz. Code Jud. Admin. § 5-204(I)(2); Cal. Ct. R. 5.215(i)(2); Mass. Gen. Laws Ann. ch. 211B, § 17. At least one jurisdiction directly authorizes victims and their families to request separate seating inside the

courtroom. *See, e.g.*, La. Stat. Ann. § 46:1844(G) (“Upon request of a victim, victim’s family, or witness, the court shall also provide, whenever possible, designated seating in a courtroom for victims, victims’ families, and witnesses separate from defendants, defendants’ families, or witnesses for defendants.”).

⁵ Courts in some jurisdictions have found certain provisions governing defense contact with crime victims to be unconstitutional. Where such provisions were not repealed or amended after the court decision, they are noted below, along with the court decision deeming them unconstitutional.

STATE	MEMBERS OF DEFENSE TEAM CONTACT VICTIM THROUGH PROSECUTION OR OTHER STATE OFFICE	WHEN CONTACTING VICTIMS, MEMBERS OF DEFENSE TEAM CLEARLY IDENTIFY THEMSELVES AND RELATIONSHIP TO DEFENDANT	VICTIM'S RIGHT TO REFUSE DEFENSE REQUEST FOR INTERVIEW, DEPOSITION, DISCOVERY, AND/OR OTHER COMMUNICATION	SEPARATE/SECURE WAITING AREAS AND/OR OTHER MEASURES TO MINIMIZE CONTACT BETWEEN VICTIM AND DEFENDANT
Alabama			Ala. Code § 15-23-70 (“The victim has the right to refuse a request by the defendant, the attorney of the defendant, or by any other person acting on behalf of the defendant, for an interview or other communication with the victim.”).	Ala. Code § 15-23-68 (“The court shall provide a waiting area for the victim separate from the defendant, relatives of the defendant, and defense witnesses, if an area is available and the use of the area is practical. If a separate waiting area is not available, or its use impractical, the court shall minimize contact of the victim with the defendant, relatives of the defendant, and defense witnesses during court proceedings. For victims of domestic violence, if a separate waiting area is not available, the presiding circuit judge shall create procedures so that the

				defendant has no contact with the victim.”).
Alaska		Alaska Stat. Ann. § 12.61.120(c)(1) (“If a defendant or a person acting on behalf of a defendant contacts the victim of an offense with which the defendant is or could be charged, the person shall clearly inform the victim . . . of the person’s identity and specific association with the defendant[.]”).	[NOTE: In <i>State v. Murtagh</i> , 169 P.3d 602 (Alaska 2007), the Alaska Supreme Court found certain provisions governing defense contact with victims to be unconstitutional except as applied to victims of domestic violence or sexual assault, including Alaska Stat. Ann. § 12.61.120(c)(2), which requires that, when a defendant or a person acting on behalf of a defendant contacts a victim, that person must inform the victim that “that the victim does not have to talk to the person unless the victim wishes”; <i>id.</i> § 12.61.125(a)(1) (barring a defendant accused of a sexual offense, their counsel or an investigator or another person acting on their behalf from contacting the victim if the victim has	

			<p>“informed the defendant or the defendant’s counsel in writing or in person that the victim or witness does not wish to be contacted by the defense”); and <i>id.</i> § 12.61.125(a)(2) (barring a defendant accused of a sexual offense, their counsel or an investigator or another person acting on their behalf from obtaining a statement from the victim unless the victim provides written authorization for the statement, where such authorization acknowledges that the victim is not legally required to speak with the defense).]</p>	
<p>Arizona</p>	<p>[NOTE: In <i>Ariz. Att’ys for Crim. Just. v. Ducey</i>, No. CV-17-01422-PHX-SPL, 2022 WL 16631088 (D. Ariz. Nov. 2, 2022), the court held the following provision to be unconstitutional: Ariz. Rev. Stat. Ann. § 13-</p>		<p>Ariz. Const. art. II, § 2.1(A)(5) (“To preserve and protect victims’ rights to justice and due process, a victim of crime has a right: . . . [t]o refuse an interview, deposition, or other discovery request by the defendant, the</p>	<p>Ariz. Rev. Stat. Ann. § 13-4431 (“Before, during and immediately after any court proceeding, the court shall provide appropriate safeguards to minimize the contact that occurs between the victim, the</p>

	<p>4433(B) (“The defendant, the defendant’s attorney or an agent of the defendant shall only initiate contact with the victim through the prosecutor’s office. The prosecutor’s office shall promptly inform the victim of the defendant’s request for an interview and shall advise the victim of the victim’s right to refuse the interview.”).]</p>		<p>defendant’s attorney, or other person acting on behalf of the defendant.”).</p> <p>Ariz. Rev. Stat. Ann. § 13-4433(H) (“Except in cases involving a dismissal with prejudice or an acquittal, the right of a victim and a victim’s representative to refuse an interview, a deposition or any other discovery request related to the criminal case involving the victim by the defendant, the defendant’s attorney or any other person acting on behalf of the defendant remains enforceable beyond a final disposition of the charges. This subsection does not require any other right enumerated in article II, section 2.1, Constitution of Arizona, to remain enforceable beyond a final disposition as prescribed in § 13-4402, subsection A.”); <i>id.</i> § 8-412(G) (same, in cases involving juvenile offenses).</p>	<p>victim’s immediate family and the victim’s witnesses and the defendant, the defendant’s immediate family and defense witnesses.”); Ariz. Rev. Stat. Ann. § 8-410 (same, in cases involving juvenile offenses).</p> <p>Ariz. Code Jud. Admin. § 5-204(I) (“1. The court shall work closely with law enforcement officials, prosecutors, and defense attorneys to assist with separation of defendant and defendant’s family from the victim and victim’s family or representative. 2. When new court facilities are constructed or renovated, provisions shall be made for separation of the victim and victim’s family or representative from the defendant and the defendant’s family or representative.”).</p>
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			<p><i>See also</i> Ariz. Rev. Stat. Ann. § 13-4433(A) (“Unless the victim consents, the victim shall not be compelled to submit to an interview on any matter, including any charged criminal offense witnessed by the victim and that occurred on the same occasion as the offense against the victim, or filed in the same indictment or information or consolidated for trial, that is conducted by the defendant, the defendant’s attorney or an agent of the defendant.”); <i>id.</i> § 8-412(A) (same, in cases involving juvenile offenses).</p> <p><i>See also</i> Ariz. Rev. Stat. Ann. § 13-4433(D) (“If the victim consents to an interview, the prosecutor’s office shall inform the defendant, the defendant’s attorney or an agent of the defendant of the time and place the</p>	
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			<p>victim has selected for the interview. If the victim wishes to impose other conditions on the interview, the prosecutor’s office shall inform the defendant, the defendant’s attorney or an agent of the defendant of the conditions. The victim has the right to terminate the interview at any time or to refuse to answer any question during the interview. The prosecutor has standing at the request of the victim to protect the victim from harassment, intimidation or abuse and, pursuant to that standing, may seek any appropriate protective court order.”); <i>id.</i> § 8-412(D) (same, in cases involving juvenile offenses).</p> <p><i>See also</i> Ariz. Rev. Stat. Ann. § 13-4433(G) (“This section applies to the parent or legal guardian of a minor child who exercises victims’ rights on behalf of the minor</p>	
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			<p>child. Notwithstanding subsection E of this section, the defendant, the defendant’s attorney or an agent of the defendant may not interview a minor child who has agreed to an interview, even if the minor child’s parent or legal guardian initiates contact with the defendant, the defendant’s attorney or an agent of the defendant, unless the prosecutor has actual notice at least five days in advance and the minor child is informed that the prosecutor may be present at the interview.”); <i>id.</i> § 8-412(F) (same, in cases involving juvenile offenses).</p>	
California			<p>Cal. Const. art. I, § 28(b)(5) (“In order to preserve and protect a victim’s rights to justice and due process, a victim shall be entitled . . . [t]o refuse an interview, deposition, or discovery request by the defendant,</p>	<p><i>See also</i> Cal. Ct. R. 5.215(i)(2) (“To minimize contact between the parties and promote safety in domestic violence cases, courts must give consideration to the design of facilities. Such considerations must</p>

			the defendant’s attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents.”).	include but are not limited to the following: separate and secure waiting areas, separate conference rooms for parent education and mediation, signs providing directions to Family Court Services, and secure parking for users of Family Court Services.”).
Colorado		<p>Colo. Rev. Stat. Ann. § 24-4.1-305 (“(1) When any person attempting defense-initiated victim outreach contacts any victim of any crime, the person shall immediately provide full and unambiguous disclosure of: (a) The person’s legal name; and (b) The fact that the person is acting as an agent for the person accused of the crime or for the defense team of such person.</p> <p>(2)(a) As used in this section, unless the context requires otherwise, ‘defense-initiated victim outreach’ means any</p>		<p>Colo. Rev. Stat. § 24-4.1-302.5(1)(p) (“In order to preserve and protect a victim’s rights to justice and due process, each victim of a crime has . . . [t]he right to be provided, whenever practicable, with a secure waiting area during court proceedings that does not require a victim or a witness to be seen or to be in close proximity to the person accused or convicted of a crime against the victim or such person’s family or friends[.]”).</p> <p>Colo. Rev. Stat. Ann. § 24-4.1-303(5) (“All</p>

		<p>effort by the defense team, including but not limited to a victim liaison, victim outreach specialist, social worker, investigator, or other individual, to directly or indirectly contact a victim or a victim’s family member on behalf of the defendant or defense counsel. (b) The definition in paragraph (a) of this subsection (2) does not require the identified members of a defense team to comply with any guidelines or standards promulgated by any professional defense-initiated victim outreach organization.”).</p>		<p>reasonable attempts shall be made to protect any victim or the victim’s immediate family from harm, harassment, intimidation, or retaliation arising from cooperating in the reporting, investigation, and prosecution of a crime. Law enforcement officials and the district attorney shall provide reasonable efforts to minimize contact between the victim and the victim’s immediate family and the defendant and the relatives of the defendant before, during, and immediately after a judicial proceeding. Whenever possible, a waiting area shall be provided that is separate in both proximity and sight from that of the defendant, the defendant’s relatives, and any defense witnesses.”).</p>
Delaware				Del. Code Ann. tit. 11, § 9406(a) (“The court

				shall provide a waiting area for victims separate from the defendant, defendant's relatives and defense witnesses if such an area is available and the use of the area is practicable. If a separate waiting area is not available or practical, the court shall provide other available safeguards to minimize the victim's contact with the defendant, defendant's relatives and defense witnesses during court proceedings.”).
District of Columbia		D.C. Code Ann. § 23-1903(b) (“The accused or defendant, the accused’s or defendant’s attorney or another person acting on behalf of the accused or defendant shall clearly identify himself or herself as being, representing or acting on behalf of the accused, defendant, or respondent in any contact with the victim.”); <i>id.</i>		D.C. Code Ann. § 23-1903(a) (“Before, during, and immediately after any court proceeding, the court shall provide appropriate safeguards to minimize the contact that may occur between the victim and the victim’s family with the accused or the accused’s or respondent’s family, and defense witnesses.”); <i>id.</i>

		§ 16-2340(e) (same, in delinquency cases).		§ 16-2340(c) (same, in delinquency cases). D.C. Code Ann. § 16-2340(a)(3) (“A victim . . . should: . . . [d]uring any phase of the investigative proceedings or court proceedings, be provided, to the extent practicable, a waiting area that is separate from the child alleged to be delinquent and the family and friends of the child alleged to be delinquent[.]”).
Florida	<i>See also</i> Fla. R. Crim. P. 3.220(h)(6) (“If a witness coordinating office has been established in the jurisdiction pursuant to applicable Florida Statutes, the deposition of any witness should be coordinated through that office. The witness coordinating office should attempt to schedule the depositions of a witness at a time and location convenient for the witness			<i>See also</i> Fla. Stat. Ann. § 960.001(1)(n) (requiring the development and implementation of guidelines for use by certain criminal justice-related agencies to achieve objectives including the provision of assistance to victims, “such as . . . separate pretrial waiting areas . . . as is practicable”).

	and acceptable to the parties.”).			
Georgia		<p>Ga. Code Ann. § 17-17-8.1(c) (“The accused, the accused’s attorney, and any agent of the accused shall not contact a victim in an unreasonable manner; and if a victim has clearly expressed to any such party a desire not to be contacted, no contact shall be made. When making any permissible contact with the victim, the accused’s attorney or an agent of the accused shall make a clear statement that he or she is contacting the victim on behalf of the accused.”).</p>	<p>Ga. Code Ann. § 17-17-8.1 (“(a) A victim shall have the right to refuse to submit to an interview by the accused, the accused’s attorney, or an agent of the accused. It shall be the duty of the prosecuting attorney to advise a victim that he or she has the right to agree to such an interview or to refuse such an interview. (b) If a victim agrees to be interviewed, such victim may set conditions for such interview as he or she desires. Conditions may include, but shall not be limited to, the time, date, and location of the interview, what other persons may be present during the interview, any security arrangements for the interview, and whether or not the interview may be recorded. If requested by a victim, the prosecuting attorney or</p>	<p>Ga. Code Ann. § 17-17-9(c) (“If the victim is excluded from the courtroom, the victim shall have the right to wait in an area separate from the accused, from the family and friends of the accused, and from witnesses for the accused during any judicial proceeding involving the accused, provided that such separate area is available and its use in such a manner practical. If such a separate area is not available or practical, the court, upon request of the victim made through the prosecuting attorney, shall attempt to minimize the victim’s contact with the accused, the accused’s relatives and friends, and witnesses for the accused during any such judicial proceeding.”).</p>

			his or her agent may attend the interview. A victim has the right to terminate the interview at any time or to refuse to answer any question during the interview.”).	
Hawaii				Haw. Rev. Stat. Ann. § 801D-4(a)(5) (“Upon written request, victims and surviving immediate family members of crime shall have the . . . [right] [t]o be provided by the court, whenever possible, with a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families and friends of defendants[.]”).
Idaho			Idaho Const. art. I, § 22(8) (“A crime victim, as defined by statute, has the [right] . . . [t]o refuse an interview, ex parte contact, or other request by the defendant, or any other person acting on behalf of the defendant,	

			<p>unless such request is authorized by law.”).</p> <p>Idaho Code Ann. § 19-5306(1)(g) (“Each victim of a criminal or juvenile offense shall be: . . . [a]llowed to refuse an interview, ex parte contact or other request by the defendant or any other person acting on behalf of the defendant, unless such request is authorized by law[.]”).</p>	
Illinois				<p>725 Ill. Comp. Stat. Ann. 120/4.5(b)(6) (“The office of the State’s Attorney: . . . shall provide, whenever possible, a secure waiting area during court proceedings that does not require victims to be in close proximity to defendants or juveniles accused of a violent crime, and their families and friends[.]”).</p>
Indiana				<p>Ind. Code Ann. § 35-37-4-11 (“(a) During court proceedings a court shall provide safeguards</p>

				<p>necessary to minimize the contact of the victim of an offense or delinquent act with: (1) a defendant accused of the offense or a juvenile accused of committing the delinquent act; and (2) the relatives and friends of: (A) a defendant accused of the offense; or (B) a juvenile accused of committing the delinquent act.”). (b) The safeguards required under subsection (a) may include courthouse waiting areas for victims that are separated from those waiting areas specified for defendants, juveniles alleged to be delinquent children, and the relatives and friends of accused persons. (c) A county is not required under this section, or by mandate of a court, to expend any funds to change the physical configuration of a courthouse in the county to meet the requirements of this section.”).</p>
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<p>Louisiana</p>			<p>La. Const. Ann. art. I, § 25 (“As defined by law, a victim of crime shall have . . . the right to refuse to be interviewed by the accused or a representative of the accused[.]”).</p> <p>La. Stat. Ann. § 46:1844(C)(3) (“The victim and the victim’s family may refuse any requests for interviews with the attorney for the defendant or any employee or agent working for the attorney for the defendant. If the victim is a minor, the parent or guardian of the victim may refuse to permit the minor to be interviewed by the attorney for the defendant or any employee or agent working for the attorney for the defendant. Before any victim may be subpoenaed to testify on behalf of a defendant at any pretrial hearing, the defendant shall show</p>	<p>La. Stat. Ann. § 46:1844(G) (“The court shall provide, whenever possible, a secure waiting area during court proceedings which does not require victims, witnesses, or victims’ families to be in close proximity to the defendants, or their families or friends, and shall provide a secure waiting area in cases involving violent crimes. Upon request of a victim, victim’s family, or witness, the court shall also provide, whenever possible, designated seating in a courtroom for victims, victims’ families, and witnesses separate from defendants, defendants’ families, or witnesses for defendants. The designated seating area should be positioned, whenever possible, in the courtroom in a way that does not require victims, victims’ families, and witnesses to be in close</p>
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			<p>good cause at a contradictory hearing with the district attorney why the subpoena should be issued. Willful disregard of the rights of victims and witnesses as enumerated in this Paragraph may be punishable as contempt of court.”).</p>	<p>proximity to defendants, defendants’ families, or witnesses for defendants.”).</p> <p>La. Child. Code Ann. art. 811.1(A)(5) (“The juvenile court, district attorneys, and law enforcement agencies shall provide the following services to victims of alleged delinquent acts, providing the victim reported the act to law enforcement authorities within seventy-two hours of its occurrence or discovery, unless extenuating circumstances exist for later reporting: . . . The court should provide, whenever possible, a secure waiting area during court proceedings that does not require victims and their legal representatives to be in close proximity to accused children and their families and friends. The juvenile court shall</p>
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				provide a secure waiting area in cases involving violent crime.”).
Maryland				Md. Code Ann., Crim. Proc. § 11-1002(b)(5) (“A victim of a crime, victim’s representative, or witness: . . . during each phase of the investigative or court proceedings, should be provided, to the extent practicable, with a waiting area that is separate from a suspect and the family and friends of a suspect[.]”); <i>id.</i> § 11-1003(b)(3) (same, for victims of delinquent acts).
Massachusetts			Mass. Gen. Laws ch. 258B, § 3(m) (“To provide victims a meaningful role in the criminal justice system, victims and witnesses of crime, or in the event the victim is deceased, the family members of the victim, shall be afforded the following basic and fundamental rights, to the greatest extent possible	Mass. Gen. Laws ch. 258B, § 3(i) (“To provide victims a meaningful role in the criminal justice system, victims and witnesses of crime, or in the event the victim is deceased, the family members of the victim, shall be afforded the following basic and fundamental rights, to the greatest extent possible

			<p>and subject to appropriation and to available resources, with priority for services to be provided to victims of crimes against the person and crimes where physical injury to a person results: . . . for victims and witnesses, to be informed of the right to submit to or decline an interview by defense counsel or anyone acting on the defendant’s behalf, except when responding to lawful process, and, if the victim or witness decides to submit to an interview, the right to impose reasonable conditions on the conduct of the interview[.]”).</p>	<p>and subject to appropriation and to available resources, with priority for witnesses to be provided to victims of crimes against the person and crimes where physical injury to a person results: . . . for victims, family members and witnesses to be provided, by the court as provided in section 17 of chapter 211B, with a secure waiting area or room which is separate from the waiting area of the defendant or the defendant’s family, friends, attorneys or witnesses and separate from the district attorney’s office; provided, however, that the court shall designate a waiting area at each courthouse; and provided further, that designation of those areas shall be made in accordance with the implementation plan developed by the task force.”).</p>
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				<p><i>See also</i> Mass. Gen. Laws Ann. ch. 211B, § 17 (“The court administrator, in consultation with the chief justice of the trial court shall, subject to appropriation and to available resources, provide a separate and secure waiting area or room in each division or court within the superior, probate and family, juvenile, Boston municipal and district court departments of the trial court for victims, family members and witnesses during court proceedings, as provided by clause (i) of section three of chapter two hundred and fifty-eight B. Said court administrator, in consultation with the chief justice of the trial court shall, subject to appropriation and to available resources, include provisions for a safe and secure waiting area or room for all new construction and</p>
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				renovations of court facilities in said departments.”).
Michigan				Mich. Comp. Laws Ann. § 780.757(7) (“The court shall provide a waiting area for the victim [of a felony] separate from the defendant, defendant’s relatives, and defense witnesses if such an area is available and the use of the area is practical. If a separate waiting area is not available or practical, the court shall provide other safeguards to minimize the victim’s contact with defendant, defendant’s relatives, and defense witnesses during court proceedings.”); <i>id.</i> § 780.817 (same, for victims of serious misdemeanors).
Minnesota	<i>See also</i> Minn. Stat. Ann. § 611A.035, subd. 1 (“Discretion of prosecutor not to disclose. (a) A prosecutor may elect not to disclose a victim’s or witness’s home or			Minn. Stat. Ann. § 611A.034 (“The court shall provide a waiting area for victims during court proceedings which is separate from the waiting area used by the

	<p>employment address, telephone number, or date of birth if the prosecutor certifies to the trial court that:</p> <p>(1) the defendant or respondent has been charged with or alleged to have committed a crime;</p> <p>(2) the nondisclosure is needed to address the victim’s or witness’s concerns about safety or security; and</p> <p>(3) the victim’s or witness’s home or employment address, telephone number, or date of birth is not relevant to the prosecution’s case.</p> <p>(b) If such a certification is made, the prosecutor must make a motion with proper notice for the court’s permission to continue to withhold this information. The court shall either:</p> <p>(1) order the information disclosed to defense counsel, but order it not disclosed to the defendant; or</p>			<p>defendant, the defendant’s relatives, and defense witnesses, if such a waiting area is available and its use is practical. If a separate waiting area for victims is not available or practical, the court shall provide other safeguards to minimize the victim’s contact with the defendant, the defendant’s relatives, and defense witnesses during court proceedings, such as increased bailiff surveillance and victim escorts.”).</p>
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	<p>(2) order the prosecutor to contact the victim or witness to arrange a confidential meeting between defense counsel, or defense counsel’s agent, and the victim or witness, at a neutral location, if the victim or witness consents to a meeting.</p> <p>This subdivision shall not be construed to compel a victim or witness to give any statement to or attend any meeting with defense counsel or defense counsel’s agent.”).</p>			
Mississippi				<p>Miss. Code. Ann. § 99-43-23 (“The court shall provide a waiting area for the victim separate from the defendant, relatives of the defendant, and defense witnesses, if an area is available and the use of the area is practical. If a separate waiting area is not available, or its use impractical, the court shall minimize contact of the victim with the defendant,</p>

				relatives of the defendant, and defense witnesses during court proceedings.”).
Missouri				Mo. Ann. Stat. § 595.209(1)(17) (“The following rights shall automatically be afforded to victims of dangerous felonies, as defined in section 556.061, victims of murder in the first degree, as defined in section 565.020, victims of voluntary manslaughter, as defined in section 565.023, victims of any offense under chapter 566, victims of an attempt to commit one of the preceding crimes, as defined in section 562.012,1 and victims of domestic assault, as defined in sections 565.072 to 565.076; and, upon written request, the following rights shall be afforded to victims of all other crimes and witnesses of crimes: . . .

				For victims and witnesses, to be provided by the court, a secure waiting area during court proceedings[.]”).
Nebraska				Neb. Rev. Stat. Ann. § 81-1848(2)(f) (“Victims and witnesses of crimes shall have the . . . right[] . . . [t]o be provided, whenever possible, a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families and friends of defendants[.]”).
Nevada			Nev. Const. art. I, § 8A(1)(e) (“Each person who is the victim of a crime is entitled . . . [t]o refuse an interview or deposition request, unless under court order, and to set reasonable conditions on the conduct of any such interview to which the victim consents.”).	<p>Nev. Rev. Stat. Ann. § 178.5696(1) (“A court trying a criminal case shall provide victims and witnesses a secure waiting area which is not used by the members of the jury or the defendant and the defendant’s family and friends.”).</p> <p>Nev. Rev. Stat. Ann. § 178A.290(3) (“A court shall make reasonable</p>

				<p>efforts to provide the [sexual assault] survivor and the family, friends and witnesses of the survivor with a secure waiting area or room that is separate from:</p> <p>(a) The waiting area of the defendant and the family, friends, witnesses and attorneys of the defendant; and</p> <p>(b) The office of the prosecutor, if applicable.”).</p>
<p>New Hampshire</p>				<p>N.H. Rev. Stat. Ann. § 21-M:8-k(II)(k) (“To the extent that they can be reasonably guaranteed by the courts and by law enforcement and correctional authorities, and are not inconsistent with the constitutional or statutory rights of the accused, crime victims are entitled . . . to be provided a secure, but not necessarily separate, waiting area during court proceedings.”).</p>

<p>New Jersey</p>			<p><i>See also</i> N.J. Stat. Ann. § 52:4B-60.2(c)(7) (“Therefore, with no diminution of the legislatively-recognized rights of crime victims, it is the public policy of this State that the criminal justice system accord victims of sexual violence the following rights: . . . [t]o choose whether to participate in any investigation of the assault[.]”).</p>	<p>N.J. Stat. Ann. § 52:4B-36(j) (“The Legislature finds and declares that crime victims and witnesses are entitled to . . . be provided a secure, but not necessarily separate, waiting area during court proceedings[.]”).</p>
<p>New York</p>				<p>N.Y. Exec. Law § 642(2) (“[F]air treatment standards shall provide that . . . victims and other prosecution witnesses shall, where possible, be provided, when awaiting court appearances, a secure waiting area that is separate from all other witnesses.”).</p> <p>N.Y. Exec. Law § 647(2) (“Fair treatment standards for crime victims in the courts shall provide that: . . . The victims and other</p>

				<p>prosecution witnesses shall, where possible, be provided, when awaiting court appearances, a secure waiting area that is separate from all other witnesses.”).</p> <p>N.Y. Ct. R. 129.3(d) (“The court shall take steps to ensure that, whenever possible, victims and other prosecution witnesses awaiting court appearances have been provided with a secure waiting area separate from all other witnesses.”).</p>
North Carolina				<p>N.C. Gen. Stat. Ann. § 15A-825(a)(5) (“To the extent reasonably possible and subject to available resources, the employees of law enforcement agencies, the prosecutorial system, the judicial system, and the correctional system should make a reasonable effort to assure that each victim and witness within</p>

				<p>their jurisdiction: . . . [i]s provided, whenever practical, a secure waiting area during court proceedings that does not place the victim or witness in close proximity to defendants and families or friends of defendants.”).</p> <p>N.C. Gen. Stat. Ann. § 15A-832.1(e) (“The court shall make every effort to provide a secure waiting area during court proceedings that does not place the victim in close proximity to the defendant or the defendant’s family.”).</p> <p>N.C. Gen. Stat. Ann. § 15A-832(d) (“Whenever practical, the district attorney’s office shall provide a secure waiting area during court proceedings that does not place the victim in close proximity to the defendant or the defendant’s family.”).</p>
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<p>North Dakota</p>			<p>N.D. Const. art. I, § 25(1)(f) (“[Victims have] [t]he right to privacy, which includes the right to refuse an interview, deposition, or other discovery request made by the defendant, the defendant’s attorney, or any person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interaction to which the victim consents. Nothing in this section shall abrogate a defendant’s sixth amendment rights under the Constitution of the United States nor diminish the state’s disclosure obligations to a defendant.”).</p>	<p>N.D. Cent. Code Ann. § 12.1-34-02(10) (“Victims and witnesses must be provided by prosecuting attorneys and defense attorneys as assisted by the court with a waiting area separate from the defendant, defendant’s relatives and friends, and defense witnesses if such an area is available and the use of the area is practical. If a separate waiting area is not available or practical, the court shall provide other safeguards to minimize the victims’ and witnesses’ contact with the defendant, defendant’s relatives and friends, and defense witnesses during court proceedings.”).</p>
<p>Ohio</p>			<p>Ohio Const. art. I, § 10a(A)(6) (affording victims “except as authorized by section 10 of Article I of this constitution [rights of criminal defendants], to refuse an interview,</p>	<p>Ohio Rev. Code Ann. § 2930.10 (“(A) The court in which a criminal prosecution or delinquency proceeding is held shall make a reasonable effort to minimize any contact</p>

			<p>deposition, or other discovery request made by the accused or any person acting on behalf of the accused”).</p>	<p>between the victim in the case, members of the victim’s family, the victim’s representative, or witnesses for the prosecution and the defendant or alleged juvenile offender in the case, members of the defendant’s or alleged juvenile offender’s family, or witnesses for the defense before, during, and immediately after all court proceedings. (B) The court shall provide a waiting area for the victim, members of the victim’s family, the victim’s representative, or witnesses for the prosecution that is separate from the waiting area provided for the defendant or alleged juvenile offender, members of the defendant’s or alleged juvenile offender’s family, and defense witnesses if a separate waiting area is available</p>
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				and the use of the area is practical.”).
Oklahoma			<p>Okla. Const. art. II, § 34(A) (“[A] victim of a crime shall have the . . . right[] . . . to refuse an interview or other request made by the accused or any person acting on behalf of the accused, other than a refusal to appear if subpoenaed by defense counsel[.]”).</p> <p>Okla. Stat. Ann. tit. 21, § 142A-2(A)(14) (“The office of the district attorney shall inform the victims and witnesses of crimes of their rights under the Oklahoma Victim’s Rights Act, which shall include the . . . right[] . . . [t]o be informed that when any family member is required to be a witness by a subpoena from the defense, there must be a showing that the witness can provide relevant testimony as to the guilt</p>	<p>Okla. Stat. Ann. tit. 21, § 142A-2(A)(6) (“The office of the district attorney shall inform the victims and witnesses of crimes of their rights under the Oklahoma Victim’s Rights Act, which shall include the . . . right[] . . . [t]o be provided, whenever possible, a secure waiting area during court proceedings that does not require close proximity to defendants and families and friends of defendants[.]”).</p>

			or innocence of the defendant before the witness may be excluded from the proceeding by invoking the rule to remove potential witnesses and to refuse an interview or other request made by the accused or any person acting on behalf of the accused, other than a refusal to appear if subpoenaed by defense counsel[.]”).	
Oregon		Or. Rev. Stat. Ann. § 135.970(2) (“If contacted by the defense or any agent of the defense, the victim must be clearly informed by the defense or other contacting agent, either in person or in writing, of the identity and capacity of the person contacting the victim, that the victim does not have to talk to the defendant’s attorney, or other agents of the defendant, or provide other discovery unless the victim wishes, and that	Or. Const. art. I, § 42(1)(c) (affording crime victims “[t]he right to refuse an interview, deposition or other discovery request by the criminal defendant or other person acting on behalf of the criminal defendant provided, however, that nothing in this paragraph shall restrict any other constitutional right of the defendant to discovery against the state”).	<i>See also</i> Or. Admin. R. 137-078-0030(11)(b)(B) (providing that a core service of victim assistance programs is to “[e]ncourage and facilitate victims’ testimony” by “[p]rovid[ing] a safe waiting area separated from the defendant, defendant’s family and friends”).

		<p>the victim may have a district attorney, assistant attorney general or other attorney or advocate present during any interview or other contact.”); <i>id.</i> § 419C.276(3) (same, regarding contact by the attorney of a youth or adjudicated youth).</p>	<p>Or. Rev. Stat. Ann. § 135.970(3) (“A victim may not be required to be interviewed or deposed by or give discovery to the defendant, the defendant’s attorney or any agent of the defense unless the victim consents. This subsection does not prohibit the defendant from: (a) Subpoenaing or examining the victim at trial or in a pretrial proceeding when the purpose is other than for discovery; or (b) Subpoenaing books, papers or documents as provided in ORS 136.580.”).</p> <p>Or. Rev. Stat. Ann. § 419C.276(3) (“Unless the victim consents after receiving a full advice of rights as provided in subsection (2) of this section, a victim may not be required to be interviewed or deposed by or give discovery to the</p>	
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			<p>youth or adjudicated youth or the attorney for the youth or adjudicated youth, or an agent of the attorney or youth or adjudicated youth. This subsection does not prohibit the youth or adjudicated youth from:</p> <p>(a) Subpoenaing or examining the victim in a proceeding when the purpose is other than for discovery; or</p> <p>(b) Subpoenaing books, papers or documents as provided in ORS 136.580.”).</p>	
Pennsylvania		<p>42 Pa. Stat. and Cons. Stat. Ann. § 9521 (“(a) Requirements.--A person who engages in defense-initiated victim or witness outreach shall:</p> <p>(1) Communicate in an honest manner without deception or misrepresentation.</p> <p>(2) Unambiguously provide the person’s identity by name, the person’s employer and, if</p>		<p><i>See also</i> 18 Pa. Stat. and Cons. Stat. Ann. § 11.902(2)(ii) (“The commission shall provide technical assistance to and make grants to district attorneys, other criminal justice agencies or victim service agencies which provide crime victims with the following services: . . . Protection services, including . . . [a] secure</p>

		<p>applicable, the name of the defendant convicted of the crime.</p> <p>(b) Definition.--As used in this section, the term “defense-initiated victim or witness outreach” means any effort by a criminal defendant’s counsel to directly or indirectly contact a victim or witness or a parent, guardian or family member of a victim or witness on behalf of the criminal defendant or the criminal defendant’s counsel through any of the following:</p> <ol style="list-style-type: none"> (1) A victim liaison. (2) A victim outreach specialist. (3) A social worker. (4) An investigator. (5) Any other individual designated by the criminal defendant or the criminal defendant’s counsel.”). 		<p>waiting area during court proceedings which does not require them to be in close proximity to defendants and families and friends of defendants.”).</p>
Rhode Island				<p>12 R.I. Gen. Laws Ann. § 12-28-3(a)(5) (“Each victim of a criminal offense who makes a</p>

				timely report of the crime and who cooperates with law enforcement authorities in the investigation and prosecution of the offense shall have the . . . right[] . . . [t]o be provided, whenever feasible, with a secure waiting area during court proceedings that does not require the victim to be in close proximity to the defendant and the family and friends of the defendant[.]”).
South Carolina				S.C. Code Ann. § 16-3-1550(C) (“For proceedings in the circuit or family court, the law enforcement and prosecuting agency must make reasonable efforts to provide victims and prosecution witnesses waiting areas separate from those used by the defendant and defense witnesses.”).
South Dakota			S.D. Const. art. VI, § 29(6) (affording victims “[t]he right, upon request,	

			to privacy, which includes the right to refuse an interview, deposition or other discovery request, and to set reasonable conditions on the conduct of any such interaction to which the victim consents”).	
Tennessee			Tenn. Code Ann. § 40-38-117 (“Any victim of crime has the right to refuse a request by the defendant, the defendant’s attorney or any other person acting on behalf of the defendant for an interview or other communication with the victim.”).	Tenn. Code Ann. § 40-38-102(b) (“(1) Without requiring the expenditure of additional funds or additional construction or renovation whenever possible, victims of crime and prosecution witnesses should be provided waiting areas that are separate and secure from the defendant or defense witnesses during all stages of the judicial process. (2) In order to accomplish the goals of this section, the court security committee established by § 16-2-505(d)(2) shall have among its duties the responsibility to assess existing facilities to determine where space

				<p>could be allocated to provide the secure waiting areas described in subdivision (b)(1). A report of this assessment shall be included in the findings provided to the county legislative body and the administrative office of the courts pursuant to § 16-2-505(d)(3)(B). In cases where the committee determines that existing facilities cannot accommodate the goals of this section, the committee shall include in its report recommendations as to how a secure waiting area could be provided for in new construction and renovation projects. In a jurisdiction where existing facilities cannot meet the goals of this section, the local government should consider the recommendation of the committee's report in planning for any new</p>
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				construction or renovation of courtroom facilities.”).
Texas	<p>Tex. Code Crim. Proc. art. 56A.051(a)(14) (“A victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system: . . . if the offense is a capital felony, the right to:</p> <p>(A) receive by mail from the court a written explanation of defense-initiated victim outreach if the court has authorized expenditures for a defense-initiated victim outreach specialist;</p> <p>(B) not be contacted by the victim outreach specialist unless the victim, guardian, or relative has consented to the contact by providing a written notice to the court; and</p> <p>(C) designate a victim service provider to receive all communications from a victim outreach</p>			<p>Tex. Code Crim. Proc. Ann. art. 56A.051(a)(8) (“A victim, guardian of a victim, or close relative of a deceased victim is entitled . . . to be provided with a waiting area, separate or secure from other witnesses, including the defendant and relatives of the defendant, before testifying in any proceeding concerning the defendant; if a separate waiting area is not available, other safeguards should be taken to minimize the victim’s contact with the defendant and the defendant’s relatives and witnesses, before and during court proceedings[.]”); Tex. Fam. Code Ann. § 57.002(a)(8) (same, within the juvenile justice system).</p>

	specialist acting on behalf of any person.”).			
Utah				Utah Code Ann. § 77-37-3(1)(d) (“Victims and witnesses should have a secure waiting area that does not require them to be in close proximity to defendants or the family and friends of defendants. Agencies controlling facilities shall, whenever possible, provide this area.”).
Vermont		Vt. Stat. Ann. tit. 13, § 5316 (“Any individual associated with the prosecution or defense of a listed crime, including attorneys, investigators, or experts, who comes in contact with the victim or the victim’s family shall properly identify himself or herself and by whom he or she is employed.”).	<i>See also</i> Vt. Stat. Ann. tit. 13, § 5314(b)(5) (“As soon as practicable, the law enforcement agency shall use reasonable efforts to give to the victim of a listed crime, as relevant, . . . [a]n explanation that no individual is under an obligation to respond to questions that may be asked outside a courtroom or deposition.”).	
Virginia				Va. Code Ann. § 19.2-11.01(A)(1)(b) (“Victims and witnesses shall be

				provided, where available, a separate waiting area during court proceedings that affords them privacy and protection from intimidation, and that does not place the victim in close proximity to the defendant or the defendant’s family.”).
Washington				Wash. Rev. Code Ann. § 7.69.030(6) (“There shall be a reasonable effort made to ensure that victims, survivors of victims, and witnesses of crimes have the following rights, which apply to any criminal court and/or juvenile court proceeding: . . . To be provided, whenever practical, a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families or friends of defendants[.]”).
West Virginia				W. Va. Code R. § 142-4-4 (4.8) (“Victims and other prosecution witnesses should, if practical, be

				<p>provided prior to court appearance, a waiting area that is separate from all other witnesses.”).</p> <p><i>See also</i> W. Va. Code Ann. § 61-11A-6(a)(6) (“No later than July 1, 1984, the Attorney General shall promulgate rules and regulations in accordance with the provisions of chapter twenty-nine-a of this code, establishing guidelines for law-enforcement agencies and prosecuting attorneys’ offices consistent with the purposes of this article. The Attorney General shall seek the advice of the West Virginia State Police and Department of Health and Human Resources in preparing such rules and regulations. In preparing such rules and regulations, the following objectives shall be considered: . . .Victims and other prosecution witnesses should be</p>
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				provided a waiting area that is separate from all other witnesses prior to court appearances, if feasible.”)
Wisconsin			Wis. Const. art. I, § 9m(2)(L) (“In order to preserve and protect victims’ rights to justice and due process throughout the criminal and juvenile justice process, victims shall be entitled to all of the following rights, which shall vest at the time of victimization and be protected by law in a manner no less vigorous than the protections afforded to the accused: [including the right] [t]o refuse an interview, deposition, or other discovery request made by the accused or any person acting on behalf of the accused.”).	Wis. Stat. Ann. § 967.10 (“(1) In this section: (a) “Victim” has the meaning given in s. 950.02 (4). (b) “Witness” has the meaning given in s. 950.02 (5). (2) If an area is available and use of the area is practical, a county shall provide a waiting area for a victim or witness to use during court proceedings that is separate from any area used by the defendant, the defendant’s relatives and defense witnesses. If a separate waiting area is not available or its use is not practical, a county shall provide other means to minimize the contact between the victim or witness and the defendant, the defendant’s relatives

				and defense witnesses during court proceedings.”).
Wyoming		<p><i>See also</i> Wyo. Stat. Ann. § 1-40-204(b)(vii) (“Victims and key witnesses of a criminal act shall be informed in writing by the prosecuting attorney about: . . . [t]he fact that the attorneys involved and their investigators are advocates either for the state or for the defendant[.]”); <i>id.</i> § 14-6-503(b)(vii) (same, in cases involving victims of a delinquent act).</p>	<p>Wyo. Stat. Ann. § 1-40-204(b)(vii) (“Victims and key witnesses of a criminal act shall be informed in writing by the prosecuting attorney about: . . . [t]he right to refuse to talk to attorneys, private investigators, law enforcement, or anyone else unless on the witness stand or under subpoena[.]”); <i>id.</i> § 14-6-503(b)(viii) (same, in cases involving victims of a delinquent act).</p>	<p>Wyo. Stat. Ann. § 1-40-205(b) (“When waiting to testify in any proceeding regarding a criminal act, a victim or key witness has the right to be provided, upon request, with a waiting area separate from other witnesses.”); <i>id.</i> 14-6-504(b) (same, in cases involving victims of a delinquent act).</p>