

Contact:

Julie Hester, Development & Community
Coordinator
Meg Garvin, Executive Director
National Crime Victim Law Institute
503.768.6819 ncvli@lclark.edu

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South Dakota Attorney General Helps Protect Rights

Yesterday evening, South Dakota Attorney General Marty Jackley issued Opinion No. 16-02, interpreting Clause 5 of Marsy's Law. Clause 5 provides, in part, that victims have "[t]he right to prevent the disclosure of information or records that could be used to locate or harass" or "which could disclose confidential or privileged information." The Attorney General interpreted the Clause to require a victim to invoke the right in order to prevent disclosure rather than the right operating as an automatic prohibition on release of information or records.

"Victims often find themselves re-victimized and stripped of privacy by their mere involvement in the justice system; Clause 5 allows these victims to choose to prevent release of certain information or records, a choice that helps minimize invasiveness and risks," said Meg Garvin, Executive Director of NCVLI. "We are pleased that the Attorney General has quickly issued an opinion on this important right, and that the opinion relies upon well-established constitutional interpretation principles of reasonableness and avoidance of impractical results. The Attorney General's efforts, together with the work of the Marsy's Law Task Force, will secure meaningful implementation of the people's vote for constitutional rights for victims while ensuring that the rights of all citizens are protected."

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Founded in 2000, the [National Crime Victim Law Institute](http://www.ncvli.org) is a national resource for crime victim lawyers and advocates to support the assertion and enforcement of victims' rights in criminal and civil processes. NCVLI continues to be the only national organization whose mission is focused on enforcement of victims' rights in the courts.

The Attorney General's Opinion can be found [here](#).