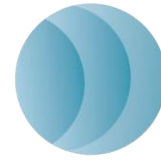




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Victims' Post-Conviction Rights to Privacy in Information Submitted to Decision-Makers

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This 50-state survey provides an overview of select privacy rights applicable to victims' information submitted to post-conviction decision makers. This chart focuses on the following types of post-conviction decisions: judicial (e.g., early release or sex offender status), probation, parole, clemency and psychiatric. Please note that this chart focuses on adult victims of adult offenders, and different laws may govern information of child victims or information submitted as part of adjudication of juvenile offenders. This chart is a survey of select laws and is not an exhaustive list of all victims' rights provisions.



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<p>Federal</p>	<p>Judicial Chapter 229. Postsentence Administration “(G) in the case of a restitution order, information sufficient to identify each victim to whom restitution is owed. It shall be the responsibility of each victim to notify the Attorney General, or the appropriate entity of the court, by means of a form to be provided by the Attorney General or the court, of any change in the victim's mailing address while restitution is still owed the victim. The confidentiality of any information relating to a victim shall be maintained.” 18 U.S.C.A. § 3612 (West)</p>
<p>Alaska</p>	<p>Parole “(c) . . . The [parole] board shall ensure that the victim's address is kept confidential.” Alaska Stat. Ann. § 33.20.080 (West)</p> <p>Clemency “Before granting executive clemency to an applicant for executive clemency, the governor shall disclose in writing to the attorney general whether granting the clemency would benefit a personal or financial</p>



	<p>interest of the governor. The attorney general shall publish a written determination whether granting executive clemency to the applicant would violate AS 39.52.110--39.52.190. The written determination of the attorney general is not confidential, but information set out in that determination identifying a person, other than the applicant for clemency, who is a victim or witness in a criminal matter may not be made public."</p> <p>Alaska Stat. Ann. § 39.52.225 (West)</p>
<p>Arizona:</p>	<p>Judicial "In any proceeding in which the victim has the right to be heard pursuant to article II, § 2.1, Constitution of Arizona, or this chapter, . . . the victim's statement is not subject to disclosure to the state or the defendant or submission to the court"</p> <p>Ariz. Rev. Stat. Ann. § 13-4426.01</p> <p>Probation "D. General Duties of Probation. Adult and juvenile probation departments shall: 1. Maintain the confidentiality and security of all victim information, including but not limited to, addresses, telephone numbers, place of employment, social security number or other locating information;"</p> <p>AZ ST CJA § 6-103</p> <p>Parole "F. The board shall not disclose the address of the victim or the victim's immediate family to any party without the written consent of the victim or the victim's family."</p> <p>Ariz. Rev. Stat. Ann. § 31-412</p>
<p>Arkansas:</p>	<p>Judicial "(a)(1) The Sex Offender Assessment Committee shall develop an evaluation protocol for preparing reports to assist courts in making determinations whether or not a person adjudicated guilty of a sex offense should be considered a sexually dangerous person for purposes of this subchapter. . . . (c) . . . (2) The records and information include, but are not limited to: . . . (K) Victim impact statements; . . . (d)(1) Records and information obtained under this section shall not be subject to the Freedom of Information Act of 1967, § 25-19-101 et seq., unless otherwise authorized by law. (2) (C) If the record or information generated contains the address of a victim or a person who has made a statement adverse to the sex offender or sexually dangerous person, the address shall be redacted and the sex offender or sexually dangerous person shall have access to records and information other than the identity and address."</p> <p>Ark. Code Ann. § 12-12-917 (West)</p> <p>Parole "(b) . . .</p>



	<p>(2)(A) An impact statement written by the victim of an offense requiring registration under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., or of an offense defined as a sex offense by § 16-90-1101, is privileged and shall not be disclosed, directly or indirectly, to any person other than a member of the [parole] board, its authorized agents, a court, or other person, not including the inmate, entitled under this section to receive the statement.”</p> <p>Ark. Code Ann. § 16-90-1113 (West)</p>
<p>California:</p>	<p>General</p> <p>“No employee or agent of the Department of Corrections and Rehabilitation, the Board of Parole Hearings, or the State Department of State Hospitals shall disclose to any person, except to employees or agents of each named department, the prosecutor, the respondent's counsel, licensed private investigators hired or appointed for the respondent, or other persons or agencies where authorized or required by law, the name, address, telephone number, or other identifying information of a person who was involved in a civil commitment hearing under this article as the victim of a sex offense except where authorized or required by law.”</p> <p>Cal. Welf. & Inst. Code § 6603.5 (West)</p> <p>Probation</p> <p>“(d) Whenever a person is committed to an institution under the jurisdiction of the Department of Corrections and Rehabilitation or a county jail pursuant to subdivision (h) of Section 1170, or is placed on post-release community supervision or mandatory supervision, and the court has ordered the person to pay restitution to a victim, the following shall apply:</p> <p>...</p> <p>(3) The victim's contact information shall remain confidential and shall not be made part of the court file or combined with any public document.”</p> <p>Cal. Penal Code § 1203c (West)</p>
<p>Colorado:</p>	<p>Parole</p> <p>“(2) ...</p> <p>(b) ... Victim identity and input shall be protected from display on the parole board action form or any parole hearing report that may become a part of an inmate record.</p> <p>...</p> <p>(6)(a) The state board of parole shall work in consultation with the division of criminal justice in the department of public safety and the department of corrections to develop and implement a process to collect and analyze data related to the basis for and the outcomes of the board's parole decisions. The process shall collect data related to the board's rationale for granting, revoking, or denying parole. Any information relating to victim identification or victim input that is identifiable to an individual defendant or case shall be maintained, but kept confidential and released only to other government agencies, pursuant to a nondisclosure agreement, for the purpose of analysis and reporting, pursuant to paragraph (c) of this subsection (6). ...”</p> <p>Colo. Rev. Stat. Ann. § 17-22.5-404 (West)</p>
<p>Idaho:</p>	<p>Parole</p> <p>“(5) Before considering the parole of any prisoner, the commission shall ensure that a risk assessment has been conducted ... A designated report and risk assessment, prepared by commission staff or a designated department of correction employee, that is specifically to be used by the commission in making a parole determination shall be exempt from public disclosure; such reports contain ... victim information ...”</p>

	Idaho Code Ann. § 20-223 (West)
Illinois:	<p>Parole</p> <p>“(b) Victim impact statements either oral, written, video-taped, tape recorded or made by other electronic means shall not be considered public documents under provisions of the Freedom of Information Act.”</p> <p>730 Ill. Comp. Stat. Ann. 105/35</p> <p>“(f) . . . In accordance with Section 35 of the Open Parole Hearings Act, victim impact statements either oral, written, video-taped, tape recorded or made by other electronic means shall not be considered public documents under the provisions of the Freedom of Information Act. . . .”</p> <p>730 Ill. Comp. Stat. Ann. 5/5-4.5-110</p> <p>“(h) The [Parole] Board shall not release any material to the inmate, the inmate's attorney, any third party, or any other person containing any information from the victim or from a person related to the victim by blood, adoption, or marriage who has written objections, testified at any hearing, or submitted audio or visual objections to the inmate's parole, unless provided with a waiver from that objecting party. The Board shall not release the names or addresses of any person on its victim registry to any other person except the victim, a law enforcement agency, or other victim notification system.”</p> <p>730 Ill. Comp. Stat. Ann. 5/3-3-4</p>
Louisiana:	<p>General</p> <p>“A. The presentence and post-sentence investigation reports shall be privileged and shall not be disclosed directly or indirectly to anyone other than the sentencing court, the victim or the victim's designated family member, as defined in R.S. 46:1842, the prosecutor, members of the division of probation and parole within the office of adult services, the officer in charge of the institution to which the defendant is committed, the committee on parole, the probation or the parole officer if the defendant is placed on probation or released on parole, medical authorities directly involved in the defendant's rehabilitation or treatment if the defendant is committed to a hospital or a substance abuse program, the Board of Pardons, and the governor or his representative. However, this Article shall not require the disclosure of sources of confidential information.”</p> <p>La. Code Crim. Proc. Ann. art. 877</p>
Massachusetts:	<p>General</p> <p>“(h) for victims and witnesses, to be informed of the right to request confidentiality in the criminal justice system. Upon the court's approval of such request, no law enforcement agency, prosecutor, defense counsel, or parole, probation or corrections official may disclose or state in open court, except among themselves, the residential address, telephone number, or place of employment or school of the victim, a victim's family member, or a witness, except as otherwise ordered by the court. The court may enter such other orders or conditions to maintain limited disclosure of the information as it deems appropriate to protect the privacy and safety of victims, victims' family members and witnesses;”</p> <p>Mass. Gen. Laws Ann. ch. 258B, § 3 (West)</p>
Michigan:	<p>Probation</p> <p>“(2) A presentence investigation report prepared under subsection (1) shall not include any address or telephone number for the home, workplace, school, or place of worship of any victim or witness, or a family member of any victim or witness, unless an address is used to identify the place of the crime or</p>



	<p>to impose conditions of release from custody that are necessary for the protection of a named individual. Upon request, any other address or telephone number that would reveal the location of a victim or witness or a family member of a victim or witness shall be exempted from disclosure unless an address is used to identify the place of the crime or to impose conditions of release from custody that are necessary for the protection of a named individual.”</p> <p>Mich. Comp. Laws Ann. § 771.14 (West)</p> <p>Parole “(1) A victim has the right to do both of the following: (a) To address or submit a written statement for consideration by a parole board member or a member of any other panel having authority over the prisoner's release on parole during the time the prisoner's release on parole or commutation of sentencing is being considered. (b) To address the parole board and to present exhibits or other photographic or documentary information to the parole board including at a commutation hearing. . . . (4) A record of an oral statement or a written statement made under subsection (1) is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be released.”</p> <p>Mich. Comp. Laws Ann. § 780.771 (West)</p>
<p>Montana:</p>	<p>Parole “(5) A victim's statement may be kept confidential.”</p> <p>Mont. Code Ann. § 46-23-208 (West)</p> <p>Parole and Clemency “(1) . . . (b) The [Board of Pardons and Parole] shall video-record and audio-record all hearings conducted under part 2 [parole] or part 3 [clemency] of this chapter or 46-23-1025. A recording may not personally identify the victim without the victim's written consent.”</p> <p>Mont. Code Ann. § 46-23-110 (West)</p>
<p>New York:</p>	<p>Parole “2. Parole. . . . (c) (B) Where a crime victim or victim's representative as defined in subparagraph (A) of this paragraph, or other person submits to the parole board a written statement concerning the release of an inmate, the parole board shall keep that individual's name and address confidential.”</p> <p>N.Y. Exec. Law § 259-i (McKinney)</p>
<p>Oklahoma:</p>	<p>General “P. All victim information maintained by the Department of Corrections and the Pardon and Parole Board shall be confidential and shall not be released.”</p> <p>OK ST T. 57 § 332.2</p>

**Pennsylvania:****Corrections**

"(a) General rule.--Notwithstanding any other provision of law, any and all statements or testimony of the victim or family member submitted to the [Department of Corrections of the Commonwealth] shall be:

- (1) Deemed confidential and privileged.
- (2) Not be subject to subpoena or discovery.
- (3) Not be introduced into evidence in any judicial or administrative proceeding.
- (4) Not be released to the inmate.

(b) Records.--All records maintained by the [Department of Corrections of the Commonwealth] pertaining to victims shall be kept separate. Current address, telephone numbers and any other personal information of the victim and family members shall be deemed confidential.

(c) Disclosure prohibited.--Notwithstanding any other provision of law, no person who has had access to a report, record or any other information under this section shall disclose the content of the report, record or other information or testify in a judicial or administrative proceeding without the written consent of the victim."

61 Pa. Stat. and Cons. Stat. Ann. § 5906 (West)

Parole

"(b) Appearance.--The victim or the victim's representative shall be permitted to appear in person and provide testimony before the panel or the majority of those board members charged with making the parole release decision or, in the alternative, the victim's or victim's representative's testimony may be presented by electronic means as provided by the board. The testimony of a victim or victim's representative shall be confidential. Records maintained by the department and the board pertaining to victims shall be kept separate from other records, and these victim records, including current address, telephone number and any other personal information of the victim and family members, shall be deemed confidential."

18 Pa. Stat. Ann. § 11.502 (West)

(c) Procedure.--

...

(4) Preparole statements submitted pursuant to this subsection shall be subject to the confidentiality provisions contained in section 6140 (relating to victim statements, testimony and participation in hearing) applicable to preparole statements submitted to the board and shall be considered by the court prior to any parole decision, and each victim submitting a preparole statement shall be given notice of the court's parole decision."

61 Pa. Stat. and Cons. Stat. Ann. § 6134.1 (West)

"(h) Hearing procedure.--

...

(9) All records maintained by the [parole] board pertaining to victims shall be kept separate. Current address, telephone numbers and any other personal information of the victim and family members shall be deemed confidential.

(10) Notwithstanding any other provision of law, no person who has had access to a report, record or any other information under this section shall disclose the content of the report, record or other information or testify in a judicial or administrative proceeding without the written consent of the victim."

61 Pa. Stat. and Cons. Stat. Ann. § 6140 (West)

<p>South Carolina:</p>	<p>General</p> <p>“(G) In cases in which the sentence is more than ninety days, the summary court judge must forward, as appropriate and within fifteen days, a copy of each victim's impact statement or the name, mailing address, and telephone number of each victim, or both, to the Department of Corrections, the Department of Probation, Parole and Pardon Services, or the Board of Juvenile Parole, the Department of Juvenile Justice, and a diversion program. The names, addresses, and telephone numbers of victims and prosecution witnesses contained in the records of the Department of Corrections, the Department of Probation, Parole and Pardon Services, the Board of Juvenile Parole, and the Department of Juvenile Justice are confidential and must not be disclosed directly or indirectly, except by order of a court of competent jurisdiction or as necessary to provide notifications, or services, or both, between these agencies, these agencies and the prosecuting agency, or these agencies and the Attorney General.”</p> <p>S.C. Code Ann. § 16-3-1535</p> <p>“(B) In cases in which the sentence is more than ninety days, the prosecuting agency must forward, as appropriate and within fifteen days, a copy of each victim's impact statement or the name, mailing address, and telephone number of each victim, or both, to the Department of Corrections, the Department of Probation, Parole and Pardon Services, or the Board of Juvenile Parole, the Department of Juvenile Justice, and a diversion program. The names, addresses, and telephone numbers of victims and prosecution witnesses contained in the records of the Department of Corrections, the Department of Probation, Parole and Pardon Services, the Board of Juvenile Parole, and the Department of Juvenile Justice are confidential and must not be disclosed directly or indirectly, except by order of a court of competent jurisdiction or as necessary to provide notifications, or services, or both, between these agencies, these agencies and the prosecuting agency, or these agencies and the Attorney General.”</p> <p>S.C. Code Ann. § 16-3-1555</p>
<p>Texas:</p>	<p>Judicial</p> <p>Subchapter A. Crime Victims' Rights</p> <p>As far as reasonably practical, the address of the victim may not be a part of the court file except as necessary to identify the place of the crime. The phone number of the victim may not be a part of the court file.</p> <p>Tex. Crim. Proc. Code Ann. § 56.09 (West)</p> <p>Parole</p> <p>“(a) Before a parole panel considers for release on parole an inmate who is serving a sentence for an offense in which a person was a victim, the division, using the name and address provided on the victim impact statement, shall make a reasonable effort to notify:</p> <ul style="list-style-type: none"> (1) the victim; (2) if the victim has a guardian, the guardian; or (3) if the victim is deceased, a close relative of the deceased victim. <p>...</p> <p>(f) Except as necessary to comply with this section, the board or the department may not disclose to any person the name or address of a person entitled to notice under this section unless:</p> <ul style="list-style-type: none"> (1) the person approves the disclosure; or (2) a court determines that there is good cause for disclosure and orders the board or the department to disclose the information.” <p>Tex. Gov't Code Ann. § 508.117 (West)</p> <p>Parole and Clemency</p>



	<p>(a) All information obtained and maintained, including a victim protest letter or other correspondence, a victim impact statement, a list of inmates eligible for release on parole, and an arrest record of an inmate, is confidential and privileged if the information relates to:</p> <p>(1) an inmate of the institutional division subject to release on parole, release to mandatory supervision, or executive clemency;</p> <p>(2) a releasee; or</p> <p>(3) a person directly identified in any proposed plan of release for an inmate.</p> <p>Tex. Gov't Code Ann. § 508.313 (West)</p>
<p>Utah:</p>	<p>General, Judicial, Probation, Parole</p> <p>"(4) A victim's request for notification under this section and any notification to a victim under this section is private information that the department may not release:</p> <p>(a) to the offender under any circumstances; or</p> <p>(b) to any other party without the written consent of the victim."</p> <p>Utah Code Ann. § 64-13-14.7 (West)</p> <p>"(11)(a) A victim's address, telephone number, and victim impact statement maintained by a peace officer, prosecuting agency, Youth Parole Authority, Division of Juvenile Justice Services, Department of Corrections, and Board of Pardons and Parole, for purposes of providing notice under this section, is classified as protected as provided in Subsection 63G-2-305(10).</p> <p>(b) The victim's address, telephone number, and victim impact statement is available only to the following persons or entities in the performance of their duties:</p> <p>(i) a law enforcement agency, including the prosecuting agency;</p> <p>(ii) a victims' right committee as provided in Section 77-37-5;</p> <p>(iii) a governmentally sponsored victim or witness program;</p> <p>(iv) the Department of Corrections;</p> <p>(v) the Utah Office for Victims of Crime;</p> <p>(vi) the Commission on Criminal and Juvenile Justice; and</p> <p>(vii) the Board of Pardons and Parole."</p> <p>Utah Code Ann. § 77-38-3 (West)</p>
<p>Virginia:</p>	<p>Judicial</p> <p>Upon request of any witness in a criminal prosecution under § 18.2-46.2, 18.2-46.3, or 18.2-248 or of any violent felony as defined by subsection C of § 17.1-805, or any crime victim, neither a law-enforcement agency, the attorney for the Commonwealth, the counsel for a defendant, a court nor the Department of Corrections, nor any employee of any of them, may disclose, except among themselves, the residential address, any telephone number, email address, or place of employment of the witness or victim or a member of the witness' or victim's family, except to the extent that disclosure is (i) of the site of the crime, (ii) required by law or Rules of the Supreme Court, (iii) necessary for law-enforcement purposes or preparation for court proceedings, or (iv) permitted by the court for good cause.</p> <p>Except with the written consent of the victim of any crime involving any sexual assault, sexual abuse, or family abuse or the victim's next of kin if the victim is a minor and the victim's death results from any crime, a law-enforcement agency may not disclose to the public information that directly or indirectly identifies the victim of such crime except to the extent that disclosure is (a) of the site of the crime, (b) required by law, (c) necessary for law-enforcement purposes, or (d) permitted by the court for good cause. In addition, at the request of the victim to the Court of Appeals of Virginia or the Supreme Court of Virginia hearing, on or after July 1, 2007, the case of a crime involving any sexual assault or sexual abuse, no appellate decision shall contain the first or last name of the victim.</p> <p>Nothing herein shall limit the right to examine witnesses in a court of law or otherwise affect the conduct of any criminal proceeding.</p>



	<p>Va. Code Ann. § 19.2-11.2 (West)</p> <p>During any criminal proceeding, upon motion of the defendant or the attorney for the Commonwealth, a judge may prohibit testimony as to the current residential or business address, any telephone number, or email address of a victim or witness if the judge determines that this information is not material under the circumstances of the case.</p> <p>Va. Code Ann. § 19.2-269.2 (West)</p>
<p>Washington:</p>	<p>Judicial</p> <p>(6) Restitution for the crime of rape of a child in the first, second, or third degree, in which the victim becomes pregnant, shall include: (a) All of the victim's medical expenses that are associated with the rape and resulting pregnancy; and (b) child support for any child born as a result of the rape if child support is ordered pursuant to a proceeding in superior court or administrative order for support for that child. The clerk must forward any restitution payments made on behalf of the victim's child to the Washington state child support registry under chapter 26.23 RCW. Identifying information about the victim and child shall not be included in the order. The offender shall receive a credit against any obligation owing under the administrative or superior court order for support of the victim's child. For the purposes of this subsection, the offender shall remain under the court's jurisdiction until the offender has satisfied support obligations under the superior court or administrative order but not longer than a maximum term of twenty-five years following the offender's release from total confinement or twenty-five years subsequent to the entry of the judgment and sentence, whichever period is longer. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The department shall supervise the offender's compliance with the restitution ordered under this subsection.</p> <p>Wash. Rev. Code Ann. § 9.94A.750 (West)</p> <p>Clemency</p> <p>3) The board shall not recommend that the governor grant clemency under subsection (1) of this section until a public hearing has been held on the petition. The prosecuting attorney of the county where the conviction was obtained shall be notified at least thirty days prior to the scheduled hearing that a petition has been filed and the date and place at which the hearing on the petition will be held. The board may waive the thirty-day notice requirement in cases where it determines that waiver is necessary to permit timely action on the petition. A copy of the petition shall be sent to the prosecuting attorney. The prosecuting attorney shall make reasonable efforts to notify victims, survivors of victims, witnesses, and the law enforcement agency or agencies that conducted the investigation, of the date and place of the hearing. Information regarding victims, survivors of victims, or witnesses receiving this notice are confidential and shall not be available to the offender. The board shall consider statements presented as set forth in RCW 7.69.032. This subsection is intended solely for the guidance of the board. Nothing in this section is intended or may be relied upon to create a right or benefit, substantive or procedural, enforceable at law by any person.</p> <p>Wash. Rev. Code Ann. § 9.94A.885 (West)</p>
<p>Wisconsin:</p>	<p>Judicial</p> <p>(1v) Rights of victims. Victims of crimes have the following rights:</p> <p>dr) To not have his or her personal identifiers, as defined in s. 85.103(1) and including an electronic mail address, used or disclosed by a public official, employee, or agency for a purpose that is unrelated to the official responsibilities of the official, employee, or agency.</p>



	<p>WI ST 950.04</p> <p>Parole (f) The parole commission shall design and prepare cards for persons specified in par. (c)3. to send to the commission. The cards shall have space for these persons to provide their names and addresses, the name of the applicable prisoner and any other information the parole commission determines is necessary. The parole commission shall provide the cards, without charge, to district attorneys. District attorneys shall provide the cards, without charge, to persons specified in par. (c)3. These persons may send completed cards to the parole commission. All commission records or portions of records that relate to mailing addresses of these persons are not subject to inspection or copying under s. 19.35(1). Before any written statement of a person specified in par. (c)3. is made a part of the documentary record considered in connection with a parole hearing under this section, the parole commission shall obliterate from the statement all references to the mailing addresses of the person. A person specified in par. (c)3. who attends an interview or hearing under par. (eg) may not be required to disclose at the interview or hearing his or her mailing addresses.</p> <p>Wis. Stat. Ann. § 304.06 (West)</p> <p>Clemency “(3) Any statement or paper containing a reference to the address of a victim or a member of the victim’s family which is contained in a statement or other paper accompanying a pardon application is not subject to s. 19.35 and shall be closed to the public. The governor, using the procedure under s. 19.36(6), shall delete any reference to the address in any statement or paper made public.”</p> <p>Wis. Stat. Ann. § 304.10 (West)</p>
<p>Wyoming:</p>	<p>Judicial (a) Notwithstanding any other provisions of law, in any proceedings before a court of the state of Wyoming, the confidentiality of the address, city and state of residence or any other information identifying the residence of a victim of domestic abuse shall remain confidential as provided in this section.</p> <p>(b) The victim of domestic abuse may at any point during the court proceedings file a motion with the court for entry of an order providing for the confidentiality of the address, city and state of residence or any other information identifying the residence of the victim of domestic abuse and any children residing with the victim of domestic abuse during the court proceedings. The motion may be accompanied with all relevant affidavits or documents to establish that the person requesting confidentiality is a victim of domestic abuse and that the person may be subject to additional acts of domestic abuse if confidentiality is not maintained.</p> <p>Wyo. Stat. Ann. § 35-21-112 (West)</p> <p>Parole (n) Unless otherwise specifically prohibited by court order, or if disclosure may be withheld under other pertinent law, the Wyoming department of corrections may, ten (10) years after the date of death of the record subject, release to the public any record created and maintained by the department relating to an individual committed to the supervision or custody of the department, except: (i) Records regarding the victim of the crime;</p> <p>Wyo. Stat. Ann. § 7-19-106 (West)</p>



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