

SENATOR SCHMIT: Yes, I will, Senator.

SENATOR JOHNSON: I am just looking at this amendment for the first time and I notice that you intend or the amendment intends at least to make the name of a victim of a sexual assault not available to the public at large. Would the victim's name customarily be made available in the course of the regular criminal processes, Senator Schmit? In other words, if some woman was raped and obviously it was a criminal complaint filed, would not that disclosure then be made so the public would know who that person was?

SENATOR SCHMIT: Senator Johnson, the instances we are trying to protect here are those where there was confidentiality. If it was a matter of public record anyway then this would not apply.

SENATOR JOHNSON: I see. If the name is ... is that correct then if the name has already been released somehow this confidentiality won't apply? I can't see that in here, Senator Schmit.

SENATOR SCHMIT: Well it is a situation which may occur where an individual can apply for reparation and at the present time the Crime Reparations Board has asked for an Attorney General's opinion as to whether or not the name can be kept confidential. They have been advised that they cannot keep it confidential if they make an award. So it would not change the situation as it affects the existing court record. If it was public it would remain public. If it is confidential it would remain confidential.

SENATOR JOHNSON: I understand it. Just a couple of remarks. I can appreciate what Senator Schmit is trying to do. I personally believe that I am going to oppose the amendment. It is...obviously it is desirable in many respects to keep the name of a victim of a sexual assault confidential. I can appreciate the need to do that. On the other hand, that victim, that name will be in the news. Number one, the victim will serve as the witness in the criminal prosecution so that will be in the news. Number two, usually that information is reported when the assault takes place so that name is likely to be in the news and finally we are talking in the end about the expenditure of public dollars by the Crime Victims Reparation Board and this is an expenditure of tax monies. Now I have a feeling that there may be a number of criminal victims who would not like their names to be bandied about as receiving tax dollars in terms of the reparation sums. On the other hand, they are not going to be assured confidentiality. Only sexual assault victims