

MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 481, L.D. 578)

2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND ELEVENTH LEGISLATURE
5

6 Legislative Document

No. 1595

7
8 H.P. 1201

House of Representatives, May 12, 1983

9 Reported by the Majority from the Committee on Judiciary and printed
10 under Joint Rule 2..

11 Original bill presented by Representative Nelson of Portland. Cospon-
sored by Representative Soule of Westport.

EDWIN H. PERT, Clerk

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-THREE
17

18 AN ACT Concerning the Admissibility in
19 Criminal Proceedings of Statements by Minors
20 Describing Sexual Contact.
21

22 Be it enacted by the People of the State of Maine as
23 follows:

24 15 MRSA §1205 is enacted to read:

25 §1205. Certain out-of-court statements made by
26 minors describing sexual contact

27 A hearsay statement made by a person under the
28 age of 14 years, describing any incident involving
29 sexual intercourse, a sexual act or sexual contact
30 performed with or on the minor by another, shall not
31 be excluded as evidence in criminal proceedings in
32 courts of this State if:

1 1. Emotional or psychological well-being of a
2 person. On motion and ex parte hearing of the prose-
3 cution, the court expressly finds that the emotional
4 or psychological well-being of the person would be
5 substantially impaired if the person were to testify
6 at trial; and

7 2. Examination and cross-examination. Pursuant
8 to an order of the court made on such finding, the
9 statement is made under oath, the defendant has been
10 given the same rights in regard to the examination
11 and cross-examination of the person as if the person
12 were testifying in open court, and the statement has
13 been recorded stenographically or on videotape or by
14 another means approved by the court.

15 STATEMENT OF FACT

16 This new draft allows a minor to testify
17 out-of-court to incidents involving sexual contact if
18 necessary to prevent further trauma to the minor. It
19 retains the defendant's constitutional rights to con-
20 frontation of a witness. It defines a minor for
21 these purposes as a person under the age of 14 years.

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