

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1140

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H.P. 829

House of Representatives, March 7, 2019

### **An Act To Improve the Investigation and Prosecution of Sexual Assault Cases**

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Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative MADIGAN of Waterville.  
Cosponsored by Senator HERBIG of Waldo and  
Representatives: AUSTIN of Skowhegan, CUDDY of Winterport, FAY of Raymond,  
SYLVESTER of Portland, TALBOT ROSS of Portland, TEPLER of Topsham, Senator:  
SANBORN, H. of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 25 MRSA c. 411** is enacted to read:

3 **CHAPTER 411**  
4 **SUBMISSION OF SEXUAL ASSAULT CASES FOR REVIEW FOR**  
5 **PROSECUTION**

6 **§3851. Submission of sexual assault cases for review for prosecution**

7 A law enforcement agency in possession of a complaint for an alleged sexual assault  
8 under Title 17-A, chapter 11 shall within 60 days of receiving the complaint inform the  
9 appropriate prosecutor of any evidence and submit the complaint for review and a  
10 decision by the prosecutor regarding further investigation and commencement of  
11 prosecution. Failure of a law enforcement agency to inform the appropriate prosecutor of  
12 any evidence and submit a complaint to the appropriate prosecutor within 60 days as  
13 required by this section does not affect the validity of a later submission and prosecution.

14 **SUMMARY**

15 This bill requires a law enforcement agency, within 60 days of receiving a complaint  
16 for an alleged sexual assault, to inform the appropriate prosecutor of any evidence and  
17 submit the complaint to the appropriate prosecutor for review and a decision by the  
18 prosecutor regarding further investigation and commencement of prosecution. Failure of  
19 a law enforcement agency to do so does not affect the validity of a later submission and  
20 prosecution.