

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1612

H.P. 1201

House of Representatives, April 27, 2021

An Act To Facilitate Children's Testimony in Certain Sex Crime Cases

Reference to the Committee on Judiciary suggested and ordered printed.

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative McDONALD of Stonington.

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

2 **Sec. 1. 15 MRSA §1321** is enacted to read:

3 **§1321. Child witnesses in certain sex crime cases**

4 **1. Testimony of a child outside the presence of the defendant.** Upon motion by the
5 State prior to trial and with reasonable notice to the defendant, a court shall allow a child
6 who is 14 years of age or younger to testify outside the presence of the defendant pursuant
7 to this section in a criminal proceeding concerning a crime under Title 17-A, chapter 11 or
8 12 in which the child is the alleged victim.

9 **2. Requirements for direct testimony outside the presence of the defendant.** Direct
10 testimony of a child outside the presence of the defendant under subsection 1 must meet
11 the following requirements:

12 A. The testimony must be conducted by way of 2-way closed-circuit television or other
13 audiovisual electronic means;

14 B. The testimony must occur at a recognized children's advocacy center with only a
15 victim or witness advocate present in the room in which the child is testifying; and

16 C. Live cross-examination of the child must be provided to the defendant's attorney
17 after the child's direct testimony.

18 **3. Exception.** This section does not apply if the defendant is an attorney pro se or if
19 the positive identification of the defendant is required.

20 **SUMMARY**

21 This bill requires the court, upon motion by the State, to allow a child 14 years of age
22 or younger to provide direct testimony in certain sex crime cases outside the presence of
23 the defendant from a children's advocacy center through the use of audiovisual electronic
24 means.