

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

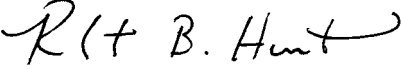
No. 1362

H.P. 876

House of Representatives, March 28, 2023

An Act to Ensure the Rights of Survivors of Sexual Assault

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


ROBERT B. HUNT
Clerk

Presented by Representative GRAMLICH of Old Orchard Beach.
Cosponsored by Senator BAILEY of York and
Representatives: CLOUTIER of Lewiston, KUHN of Falmouth, RECKITT of South Portland,
SHEEHAN of Biddeford, STOVER of Boothbay, Speaker TALBOT ROSS of Portland,
TERRY of Gorham, Senator: BRENNER of Cumberland.

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

2 **Sec. 1. 15 MRSA c. 521** is enacted to read:

3 **CHAPTER 521**

4 **RIGHTS OF SEXUAL ASSAULT SURVIVORS**

5 **§6201. Definitions**

6 For the purposes of this chapter, the following terms have the following meanings.

7 **1. Law enforcement officer.** “Law enforcement officer” has the same meaning as in
8 Title 25, section 2801 A, subsection 5.

9 **2. Sexual assault counselor.** “Sexual assault counselor” has the same meaning as in
10 Title 16, section 53-A, subsection 1, paragraph B.

11 **3. Sexual assault survivor.** “Sexual assault survivor” or “survivor” means:

12 A. An adult who is a victim of a crime described in:

- 13 (1) Title 17-A, chapter 11;
14 (2) Title 17-A, section 511-A; or
15 (3) Title 17-A, section 852 or 853; or

16 B. A minor who is a victim of a crime described in:

- 17 (1) Title 17-A, chapter 11;
18 (2) Title 17-A, section 511-A;
19 (3) Title 17-A, section 852 or 853; or
20 (4) Title 17-A, section 282 or 283.

21 **§6202. Right to a sexual assault counselor and a support person**

22 A survivor has the right to consult with a sexual assault counselor during any physical
23 examination and has the right to have a sexual assault counselor or support person of the
24 survivor’s choosing present during any interview by a law enforcement officer, prosecutor
25 or defense attorney. A survivor retains this right even if the survivor has waived the right
26 in a previous examination or interview.

27 **§6203. Prohibition on use of evidence gathered during sexual assault forensic**
28 **examination**

29 Evidence gathered during a sexual assault forensic examination may not be used to
30 prosecute a survivor for any Class D or Class E crime or for any crime under Title 17-A,
31 chapter 45, and evidence gathered during a sexual assault forensic examination may not be
32 used as a basis to search for further evidence of any unrelated Class D or Class E crime or
33 for any crime under Title 17-A, chapter 45 that may have been committed by the survivor.

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SUMMARY

This bill specifies that a sexual assault survivor has the right to consult with a sexual assault counselor during any physical examination and has the right to have a sexual assault counselor or support person of the survivor's choosing present during any interview by a law enforcement officer, prosecutor or defense attorney. A survivor retains this right even if the survivor has waived the right in a previous examination or interview. The bill also prohibits evidence gathered during a sexual assault forensic examination from being used to prosecute a survivor for any Class D or Class E crime or for any crime under the Maine Revised Statutes, Title 17-A, chapter 45. Evidence gathered during a sexual assault forensic examination may also not be used as a basis to search for further evidence of any unrelated Class D or Class E crime or for any crime under Title 17-A, chapter 45 that may have been committed by the survivor.