	L.D. 1362
Date:	(Filing No. H-
	JUDICIARY
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	STATE OF MAINE
НО	USE OF REPRESENTATIVES
	131ST LEGISLATURE
	FIRST SPECIAL SESSION
COMMITTEE AMEND Rights of Survivors of Sexua	
Amend the bill by striki following:	ing out everything after the enacting clause and inserting the
'Sec. 1. 15 MRSA c.	521 is enacted to read:
	CHAPTER 521
RIGHTS	S OF SEXUAL ASSAULT SURVIVORS
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§6201. Definitions	S OF SEXUAL ASSAULT SURVIVORS chapter, the following terms have the following meanings.
§6201. Definitions For the purposes of this	chapter, the following terms have the following meanings. Ficer. "Law enforcement officer" has the same meaning as in
For the purposes of this 1. Law enforcement of Title 25, section 2801-A, sul 2. Person responsible f	chapter, the following terms have the following meanings. Ficer. "Law enforcement officer" has the same meaning as in
For the purposes of this 1. Law enforcement of Title 25, section 2801-A, sul 2. Person responsible formeaning as "person responsible subsection 9. 3. Reported sexual assuassault survivor who is an a	chapter, the following terms have the following meanings. Ficer. "Law enforcement officer" has the same meaning as in esection 5. For the minor. "Person responsible for the minor" has the same
For the purposes of this 1. Law enforcement of Title 25, section 2801-A, sul 2. Person responsible formeaning as "person responsible formeaning as "person responsible subsection 9. 3. Reported sexual assult survivor who is an a prespect to a sexual assault paragraph B.	chapter, the following terms have the following meanings. Efficer. "Law enforcement officer" has the same meaning as in essection 5. For the minor. "Person responsible for the minor" has the same maible for the child" as defined in Title 22, section 4002, ault. "Reported sexual assault" means, with respect to a sexual dult, a crime described in subsection 5, paragraph A or, with survivor who is a child, a crime described in subsection 5, section 5. Section. "Sexual assault counselor" has the same meaning as in
For the purposes of this 1. Law enforcement of Title 25, section 2801-A, sultant and the purposes of this 2. Person responsible for meaning as "person responsible for subsection 9. 3. Reported sexual assumption as a sexual survivor who is an a respect to a sexual assault paragraph B. 4. Sexual assault count Title 16, section 53-A, subsection 54-A, subsectio	chapter, the following terms have the following meanings. Efficer. "Law enforcement officer" has the same meaning as in essection 5. For the minor. "Person responsible for the minor" has the same maible for the child" as defined in Title 22, section 4002, ault. "Reported sexual assault" means, with respect to a sexual dult, a crime described in subsection 5, paragraph A or, with survivor who is a child, a crime described in subsection 5, section 5. Section. "Sexual assault counselor" has the same meaning as in
For the purposes of this 1. Law enforcement of Title 25, section 2801-A, sul 2. Person responsible f meaning as "person responsubsection 9. 3. Reported sexual assult survivor who is an a respect to a sexual assault paragraph B. 4. Sexual assault coun Title 16, section 53-A, subsection 54-A,	chapter, the following terms have the following meanings. Ficer. "Law enforcement officer" has the same meaning as in esection 5. For the minor. "Person responsible for the minor" has the same measible for the child" as defined in Title 22, section 4002, ault. "Reported sexual assault" means, with respect to a sexual dult, a crime described in subsection 5, paragraph A or, with survivor who is a child, a crime described in subsection 5, section 1, paragraph B.

Page 1 - 131LR1676(03)

1	(2) Title 17-A, section 511-A; or
2	(3) Title 17-A, section 852 or 853; or
3 4	B. A minor who is reported by the minor or by a person responsible for the minor to be a victim of a crime defined in:
5	(1) Title 17-A, chapter 11;
6	(2) Title 17-A, section 511-A;
7	(3) Title 17-A, section 852 or 853; or
8	(4) Title 17-A, section 282 or 283.
9	§6202. Right to a sexual assault counselor
10 11 12 13 14	A survivor has the right to consult with a sexual assault counselor during a sexual assault forensic examination and has the right to have a sexual assault counselor present during any interview by a law enforcement officer, prosecutor, defense attorney or professional investigator about the reported sexual assault. A survivor retains this right even if the survivor has waived the right in a previous examination or interview.
15 16	§6203. Prohibition on use of evidence gathered during sexual assault forensic examination
17 18	1. Use of evidence prohibited. Evidence gathered during a sexual assault forensic examination may not be used:
19 20	A. To prosecute a survivor for any Class D or Class E crime under Title 17-A, chapter 45;
21 22	B. To prosecute a survivor for any crime of failure to appear, failure to report or violation of condition of release under sections 1091, 1091-A and 1092, respectively;
23 24	C. As the basis of a motion to revoke any conditional release of the survivor under Title 17-A, chapter 67;
25	D. To prosecute a survivor for any civil violation or crime under Title 28-A;
26 27	E. To prosecute a survivor for engaging in prostitution under Title 17-A, section 853-A; or
28 29	F. To prosecute a survivor for any juvenile crime based on a violation of the laws set forth in paragraphs A to E.
30 31 32	2. Use of evidence to justify search prohibited. Evidence gathered during a sexual assault forensic examination may not be used as a basis to search for evidence to be used against the survivor for any of the following:
33	A. A Class D or Class E crime under Title 17-A, chapter 45;
34 35	B. Any crime of failure to appear, failure to report or violation of condition of release under sections 1091, 1091-A or 1092, respectively;
36 37	C. A motion to revoke any conditional release of the survivor under Title 17-A, chapter 67;
38	D. Any civil violation or crime under Title 28-A;
39	E. Engaging in prostitution under Title 17-A, section 853-A; and

Page 2 - 131LR1676(03)

F. Any juvenile crime based on a violation of the laws set forth in paragraphs A to E.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

4 SUMMARY

 The bill provides that a sexual assault survivor has the right to consult with a sexual assault counselor during any physical examination and 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. This amendment, which is the minority report of the committee, clarifies that a sexual assault survivor has the right to consult with a sexual assault counselor during a sexual assault forensic examination and to have a sexual assault counselor present during any interview by a law enforcement officer, prosecutor, defense attorney or professional investigator.

The amendment also provides that evidence gathered during a sexual assault forensic examination may not be used to prosecute the sexual assault survivor for a Class D or Class E drug offense, any crime of violating a condition of release, any crime of engaging in prostitution, any violation of the State's liquor laws or any juvenile crime based on a violation of the foregoing laws. The evidence gathered during a sexual assault forensic examination also may not be used as the basis of a motion to revoke any conditional release of the survivor or as a basis to search for further evidence that a sexual assault survivor committed any of these crimes or offenses.