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

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

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

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

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

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

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

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

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

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

**SUMMARY**

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