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Date: (Filing No. H-)

JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1201, L.D. 1612, “An Act To Facilitate Children's Testimony in Certain Sex Crime Cases”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'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 may allow a child who is 14 years of age or younger to testify in real time during the proceeding 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 neutral location designated by the court with only an impartial court officer designated by the court present in the room with the child while the child is testifying;

C. The opportunity for real-time cross-examination of the child must be provided to the defendant's attorney after the child's direct testimony; and

D. The defendant must be able to observe the testimony of the child while the child is testifying and must be able to communicate with the defendant's attorney while the child is testifying.

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.'

COMMITTEE AMENDMENT

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

3 **SUMMARY**

4 This amendment is the minority report of the committee. It gives the court discretion
5 as to whether to allow the child to provide testimony using the procedure established in the
6 bill. It clarifies that the defendant's attorney must be provided an opportunity in real time
7 to cross-examine the child after the child's direct testimony. It differs from the majority
8 report in that it requires that the child's testimony be in real time during the trial. It also
9 requires that child to testify from a neutral location designated by the court. The child may
10 be accompanied by only an impartial court officer designated by the court.