



# 130th MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2021

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Legislative Document

No. 1612

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H.P. 1201

House of Representatives, April 27, 2021

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

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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.