

STATE OF MAINE

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“An Act to Permit Recordings of a Protected Person to be Admissible in Evidence”
Before the Joint Standing Committee on Judiciary

Public Hearing Date: March 15, 2023
Testimony in Support of LD 765

Senator Carney, Representative Moonen and members of the Joint Standing Committee on Judiciary. My name is Kate Bozeman and I am the Deputy District Attorney of Prosecutorial District III, representing Androscoggin, Oxford and Franklin Counties. I am here to testify in support of LD 765.

I am the assigned prosecutor for all felony sexual assault cases in Androscoggin County. The vast majority of these cases involve sexual assaults on children. Given the significant applicable sentencing provisions associated with these crimes, they are quite often cases that go to trial. I have prepared many children for this daunting task, which includes preparing them to talk about the sexual touching of their genitals to a room full of strangers and their abuser.

In a recent case, this task was simply too difficult for the 10 year old that it was being asked of. At trial during direct examination, the child completely shut down when being asked to talk about her private body parts in front of so many people. The State did not even get to the point of asking about the sexual assaults because of how shut down this child became. Once off of the witness stand, she ran into a dark room and hid under a chair nearly catatonic, holding her ears and eyes shut and rocking back and forth. It took multiple support people to calm her down enough to leave that room. She never was able to testify about what happened to her, although her siblings who were also victims did, and the defendant was convicted of sexually abusing two of them.

Forensic interviews of children provide the most accurate evidence for a jury to consider. Allowing this evidence, while also having the child present and available for

cross examination protects a defendant's important rights of confrontation while also sparing children from needless additional trauma and victimization.

For these reasons, Prosecutorial District III and I support LD 765.

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