

§1205. Certain out-of-court statements made by minors or persons with developmental disabilities describing sexual contact

A hearsay statement made by a person under the age of 16 years or a person with a developmental disability as defined in Title 5, section 19503, subsection 3, describing any incident involving a sexual act or sexual contact performed with or on the minor or person by another, may not be excluded as evidence in criminal proceedings in courts of this State if: [PL 2005, c. 557, §1 (AMD).]

1. Mental or physical well-being of a person. On motion of the attorney for the State and at an in camera hearing, the court finds that the mental or physical well-being of that person will more likely than not be harmed if that person were to testify in open court; and [PL 1985, c. 495, §1 (RPR).]

2. Examination and cross-examination. Pursuant to order of court made on such a motion, the statement is made under oath, subject to all of the rights of confrontation secured to an accused by the Constitution of Maine or the United States Constitution and the statement has been recorded by any means approved by the court, and is made in the presence of a judge or justice. [PL 1985, c. 495, §1 (RPR).]

SECTION HISTORY

PL 1983, c. 411 (NEW). PL 1985, c. 495, §1 (AMD). PL 1987, c. 564 (AMD). PL 1989, c. 401, §B1 (AMD). PL 2005, c. 557, §1 (AMD).

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