

§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 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.

[PL 2021, c. 395, §1 (NEW).]

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; [PL 2021, c. 395, §1 (NEW).]

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; [PL 2021, c. 395, §1 (NEW).]

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 [PL 2021, c. 395, §1 (NEW).]

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. [PL 2021, c. 395, §1 (NEW).]

[PL 2021, c. 395, §1 (NEW).]

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.

[PL 2021, c. 395, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 395, §1 (NEW).

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