

CHAPTER 521

RIGHTS OF SEXUAL ASSAULT SURVIVORS

§6201. Definitions

For the purposes of this chapter, the following terms have the following meanings. [PL 2023, c. 199, §1 (NEW).]

1. Law enforcement officer. "Law enforcement officer" has the same meaning as in Title 25, section 2801-A, subsection 5.

[PL 2023, c. 199, §1 (NEW).]

2. Person responsible for the minor. "Person responsible for the minor" has the same meaning as "person responsible for the child" as defined in Title 22, section 4002, subsection 9.

[PL 2023, c. 199, §1 (NEW).]

3. Reported sexual assault. "Reported sexual assault" means, with respect to a sexual assault survivor who is an adult, a crime described in subsection 5, paragraph A or, with respect to a sexual assault survivor who is a child, a crime described in subsection 5, paragraph B.

[PL 2023, c. 199, §1 (NEW).]

4. Sexual assault counselor. "Sexual assault counselor" has the same meaning as in Title 16, section 53-A, subsection 1, paragraph B.

[PL 2023, c. 199, §1 (NEW).]

5. Sexual assault survivor. "Sexual assault survivor" or "survivor" means:

A. An adult who reports that the adult is a victim of a crime defined in:

- (1) Title 17-A, chapter 11;
- (2) Title 17-A, section 511-A; or
- (3) Title 17-A, section 852 or 853; or [PL 2023, c. 199, §1 (NEW).]

B. A minor who is reported by the minor or by a person responsible for the minor to be a victim of a crime defined in:

- (1) Title 17-A, chapter 11;
- (2) Title 17-A, section 511-A;
- (3) Title 17-A, section 852 or 853; or
- (4) Title 17-A, section 282 or 283. [PL 2023, c. 199, §1 (NEW).]

[PL 2023, c. 199, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 199, §1 (NEW).

§6202. Right to a sexual assault counselor

A survivor has the right to consult with a sexual assault counselor during a sexual assault forensic examination and has the right to have a sexual assault counselor present during any interview by a law enforcement officer, prosecutor, defense attorney or professional investigator about the reported sexual assault. A survivor retains this right even if the survivor has waived the right in a previous examination or interview. [PL 2023, c. 199, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 199, §1 (NEW).

§6203. Prohibition on use of evidence gathered during sexual assault forensic examination

1. Use of evidence prohibited. Evidence gathered during a sexual assault forensic examination may not be used:

A. To prosecute a survivor for any Class D or Class E crime under Title 17-A, chapter 45; [PL 2023, c. 199, §1 (NEW).]

B. To prosecute a survivor for any crime of criminal OUI under Title 29-A, section 2411; [PL 2023, c. 199, §1 (NEW).]

C. To prosecute a survivor for any crime of failure to appear, failure to report or violation of condition of release under sections 1091, 1091-A and 1092, respectively; [PL 2023, c. 199, §1 (NEW).]

D. As the basis of a motion to revoke any conditional release of the survivor under Title 17-A, chapter 67; [PL 2023, c. 199, §1 (NEW).]

E. To prosecute a survivor for any civil violation or crime under Title 28-A; [PL 2023, c. 199, §1 (NEW).]

F. To prosecute a survivor for engaging in prostitution under Title 17-A, former section 853-A; or [PL 2023, c. 646, Pt. A, §19 (AMD).]

G. To prosecute a survivor for any juvenile crime based on a violation of the laws set forth in paragraphs A to F. [PL 2023, c. 199, §1 (NEW).]

[PL 2023, c. 646, Pt. A, §19 (AMD).]

2. Use of evidence to justify search prohibited. Evidence gathered during a sexual assault forensic examination may not be used as a basis to search for evidence to be used against the survivor for any of the following:

A. A Class D or Class E crime under Title 17-A, chapter 45; [PL 2023, c. 199, §1 (NEW).]

B. Any crime of criminal OUI under Title 29-A, section 2411; [PL 2023, c. 199, §1 (NEW).]

C. Any crime of failure to appear, failure to report or violation of condition of release under sections 1091, 1091-A or 1092, respectively; [PL 2023, c. 199, §1 (NEW).]

D. A motion to revoke any conditional release of the survivor under Title 17-A, chapter 67; [PL 2023, c. 199, §1 (NEW).]

E. Any civil violation or crime under Title 28-A; [PL 2023, c. 199, §1 (NEW).]

F. Engaging in prostitution under Title 17-A, former section 853-A; and [PL 2023, c. 646, Pt. A, §20 (AMD).]

G. Any juvenile crime based on a violation of the laws set forth in paragraphs A to F. [PL 2023, c. 199, §1 (NEW).]

[PL 2023, c. 646, Pt. A, §20 (AMD).]

SECTION HISTORY

PL 2023, c. 199, §1 (NEW). PL 2023, c. 646, Pt. A, §§19, 20 (AMD).

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