

2021 -- H 5141

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO CRIMINAL OFFENSES -- SEXUAL ASSAULT

Introduced By: Representatives McEntee, Craven, Caldwell, and Casimiro

Date Introduced: January 25, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-37-13.1 of the General Laws in Chapter 11-37 entitled "Sexual
2 Assault" is hereby amended to read as follows:

3 **11-37-13.1. Recording -- Grand jury testimony -- Child assault.**

4 ~~(a)~~ In any grand jury proceeding investigating a sexual assault alleged to have been
5 committed against a child, a recording of a statement from the alleged victim who is ~~fourteen (14)~~
6 eighteen (18) years of age or younger at the time of the proceeding shall be admissible into evidence
7 at the proceeding if:

8 (1) The statement is sworn to under oath by the child, and the significance of the oath is
9 explained to the child;

10 (2) The recording is both visual and aural and is recorded on film or videotape or by other
11 electronic means;

12 (3) The recording equipment was capable of making an accurate recording, the operator of
13 the equipment was competent, and the recording is accurate and has not been altered;

14 (4) Every voice on the recording is identified;

15 (5) The statement was not made in response to questioning calculated to lead the child to
16 make a particular statement;

17 (6) The person conducting the interview is an attorney in the department of the attorney
18 general or another person chosen by the attorney general to make the proceeding less intimidating
19 to the child, and the interviewer is available to testify at the proceeding;

1 (7) The child is available to testify if requested by the grand jurors; and

2 (8) The recording is made a part of the record of the grand jury.

3 ~~(b) In any grand jury proceeding investigating a sexual assault alleged to have been~~
4 ~~committed against a child, a recording of a statement from the alleged victim who is more than~~
5 ~~fourteen (14) years of age and less than eighteen (18) years of age at the time of the proceeding~~
6 ~~shall be admissible into evidence at the proceeding if:~~

7 ~~(1) The attorney general petitions the court for permission to introduce the recording at the~~
8 ~~proceeding; and~~

9 ~~(2) The court grants the petition upon a finding that the child would suffer unreasonable~~
10 ~~and unnecessary mental or emotional harm if required to appear personally before the grand jury~~
11 ~~in order to testify; and~~

12 ~~(3) All of the conditions as set forth in subsection (a) of this section are followed.~~

13 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO CRIMINAL OFFENSES -- SEXUAL ASSAULT

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2 This act would increase the age of children able to utilize a recorded forensic interview for
3 cases of sexual abuse in grand jury testimony -- child assault from age fourteen (14) to age eighteen
4 (18).

5 This act would take effect upon passage.

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