

2022 -- H 6644

LC003574

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO CRIMINAL OFFENSES -- SEXUAL ASSAULT

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

Date Introduced: January 06, 2022

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

4 **11-37-13.1. Recording -- Grand jury testimony -- Child assault.**

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

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

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

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

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

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

18 (6) The person conducting the interview is an attorney in the department of the attorney
19 general or another person chosen by the attorney general to make the proceeding less intimidating

1 to the child, and the interviewer is available to testify at the proceeding;

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

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

4 ~~(b) 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 more than~~
6 ~~fourteen (14) years of age and less than eighteen (18) years of age at the time of the proceeding~~
7 ~~shall be admissible into evidence at the proceeding if:~~

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

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

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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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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