

§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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