

**§760. Failure to report sexual assault of person in custody**

1. A person is guilty of failure to report a sexual assault of a person in custody if that person is a member of the staff of a hospital, prison or other institution and that staff person knows that a person detained in that institution is the victim of a crime of sexual assault that occurred while the detained person was in the institution and, in fact, that staff person does not report that crime to an appropriate criminal justice agency.

[PL 2005, c. 527, §7 (AMD).]

2. For purposes of this section, "sexual assault" means a crime under chapter 11.

[PL 2005, c. 329, §3 (NEW).]

2-A. It is an affirmative defense to prosecution under this section that the defendant knew that the crime of sexual assault had already been reported to an appropriate criminal justice agency by another mandated reporter.

[PL 2005, c. 527, §8 (NEW).]

3. Failure to report a sexual assault of a person in custody is a Class E crime.

[PL 2005, c. 329, §3 (NEW).]

**SECTION HISTORY**

PL 2005, c. 329, §3 (NEW). PL 2005, c. 527, §§7,8 (AMD).

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