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State of Minnesota
HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 4426

03/17/2022

Authored by Long

The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

- 1.1 A bill for an act
- 1.2 relating to judiciary; raising the age at which a child may be permitted to testify
- 1.3 outside the courtroom from under 12 to under 18; amending Minnesota Statutes
- 1.4 2020, section 595.02, subdivision 4.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2020, section 595.02, subdivision 4, is amended to read:
- 1.7 Subd. 4. **Court order.** (a) In a proceeding in which a child less than ~~12~~ 18 years of age
- 1.8 is alleging, denying, or describing:
- 1.9 (1) an act of physical abuse or an act of sexual contact or penetration performed with or
- 1.10 on the child or any other person by another; or
- 1.11 (2) an act that constitutes a crime of violence committed against the child or any other
- 1.12 person,
- 1.13 the court may, upon its own motion or upon the motion of any party, order that the testimony
- 1.14 of the child be taken in a room other than the courtroom or in the courtroom and televised
- 1.15 at the same time by closed-circuit equipment, or recorded for later showing to be viewed
- 1.16 by the jury in the proceeding, to minimize the trauma to the child of testifying in the
- 1.17 courtroom setting and, where necessary, to provide a setting more amenable to securing the
- 1.18 child witness's uninhibited, truthful testimony.
- 1.19 (b) At the taking of testimony under this subdivision, only the judge, the attorneys for
- 1.20 the defendant and for the state, any person whose presence would contribute to the welfare
- 1.21 and well-being of the child, persons necessary to operate the recording or closed-circuit
- 1.22 equipment and, in a child protection proceeding under chapter 260 or a dissolution or custody

2.1 proceeding under chapter 518, the attorneys for those parties with a right to participate may
2.2 be present with the child during the child's testimony.

2.3 (c) The court shall permit the defendant in a criminal or delinquency matter to observe
2.4 and hear the testimony of the child in person. If the court, upon its own motion or the motion
2.5 of any party, finds in a hearing conducted outside the presence of the jury, that the presence
2.6 of the defendant during testimony taken pursuant to this subdivision would psychologically
2.7 traumatize the witness so as to render the witness unavailable to testify, the court may order
2.8 that the testimony be taken in a manner that:

2.9 (1) the defendant can see and hear the testimony of the child in person and communicate
2.10 with counsel, but the child cannot see or hear the defendant; or

2.11 (2) the defendant can see and hear the testimony of the child by video or television
2.12 monitor from a separate room and communicate with counsel, but the child cannot see or
2.13 hear the defendant.

2.14 (d) As used in this subdivision, "crime of violence" has the meaning given it in section
2.15 624.712, subdivision 5, and includes violations of section 609.26.