# Bill as Introduced

# HB 214 – AS INTRODUCED

2003 SESSION

03-0567
09/01

HOUSE BILL ***214***

AN ACT relative to discovery deposition of minors in criminal cases.

SPONSORS: Rep. Dumaine, Rock 75; Rep. Fish, Ches 25; Rep. P. Smith, Rock 75; Rep. Introne, Rock 75

COMMITTEE: Children and Family Law

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## ANALYSIS

This bill lowers the minimum age at which a minor may be deposed during discovery in a criminal case.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

# HB 214 – AS INTRODUCED

03-0567
09/01

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Three*

AN ACT relative to discovery deposition of minors in criminal cases.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 Discovery Deposition of Minors. Amend RSA 517:13, V to read as follows:

V. Notwithstanding this section, no party in a criminal case shall take the discovery deposition of a victim who was [~~16~~] ***13*** years of age or under at the time of the alleged offense or of any witness who was [~~16~~] ***13*** years of age or under at the time of the alleged offense.

2 Effective Date. This act shall take effect January 1, 2004.

# Amendments

Rep. Arnold, Hills. 46
February 5, 2003
2003-0180h
09/01

Amendment to HB 214

Amend RSA 517:13, V as inserted by section 1 of the bill by replacing it with the following:

V. Notwithstanding this section, no party in a criminal case shall take the discovery deposition of a victim [~~who was 16 years of age or under at the time of the alleged offense or of any witness who was 16 years of age or under at the time of the alleged offense~~] ***or witness who has not achieved the age of 17 years at the time of the deposition.***

Rep. Arnold, Hills. 46
February 5, 2003
2003-0181h
09/01

Not voted

Amendment to HB 214

Amend RSA 517:13, V as inserted by section 1 of the bill by replacing it with the following:

V. Notwithstanding this section, no party in a criminal case shall take the discovery deposition of a victim [~~who was 16 years of age or under at the time of the alleged offense or of any witness who was 16 years of age or under at the time of the alleged offense~~] ***or witness who has not achieved the age of 14 years at the time of the deposition.***

# Speakers

# SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 214 Date 2/4/03

Committee Children & Family Law

** Please Print All Information **

| Name | Address | Phone | Representing | (check one) Pro | Con |
|---|---|---|---|---|---|
| Jim Allen | Seabrook N.H. | Self | | ✓ | Lit |
| Cynthia Heyman | 99 Hanover St., Manchester | 668-1920 | Child & Family Services | | ✓ |
| Ann Rice | Atty Gen's Office | | AG | | ✓ |
| LINDA GRIEBSCH | NH COALITION AGAINST DOMESTIC/SEXUAL VIOLENCE P.O. BOX 353, CONCORD, NH 03302 | | | | ✓ |
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# Hearing Minutes

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HB 214

**BILL TITLE:** relative to discovery deposition of minors in criminal cases.

**DATE:** Feb. 4, 2003

**LOB ROOM:** 206 **Time Public Hearing Called to Order:** 2:55 p.m.

**Time Adjourned:** 4:15 p.m.

(please circle if present)

**Committee Members:** Reps. Moran, McRae, J. Brown, Arnold, Bickford, Greenberg, D. Bouchard, Itse, Furman, Gargasz, Dokmo, Ouellette, Hallyburton, J. Allen, E. Blanchard, Grassie, B. Richardson, Allison, T. Pratt, L. Johnson and Gile.

**Bill Sponsors:** Rep. Dumaine, Rep. Fish, Rep. P. Smith, Rep. Introne

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

**Rep. Dan Dumaine, Londonderry, Dist. 75, Prime Sponsor-** He believes this bill was brought to protect young children from being deposed. He was a police officer for a number of years. He feels this bill would benefit both sides.

**Written testimony in file*

**James O'Brien, Seabrook-** Supports and Opposes. His sons are ages 8 and 18. He believes they could exonerate him if they were allowed to testify.

**Sandra Matheson, Attorney General's Office-** Opposes. She said this law was the result of a committee to discuss child abuse 18 years ago. Prior to this law, children were questioned by many different people. These children were often frightened and vulnerable. 18 years later, we are back. She does not believe this law should be changed.

**Written testimony in file*

**Attorney Peter Odom, Deputy County Attorney, Strafford-** Opposes. State v. LaPort interpreted.

** Written testimony in file*

**Attorney Peter Heed, Cheshire County Attorney-** Opposes this bill. He is now a prosecutor and sees things from all points of view. Often there is a videotape of a child's testimony. This law prevents a child from being deposed under very intimidating circumstances. He believes the age limit in the current law is fair. Prosecution would be nearly impossible if this bill were passed. In court, there is some protection for the child. This is not the case in a deposition.

**Alexander Scott, Assistant County Attorney, Sullivan County-** Opposes. This bill does not help the prosecution. Child victims are asked to disclose very difficult information.

**Kim Fillmore, Hillsborough County Attorney's Office, Victim Advocate-** Opposes this bill. Adolescents are no more different today than previously. They have been exposed to a lot more but this does not mean they are that different.

**Gary Gagnon, Ossipee,** He is not sure whether he supports or opposes this bill. He wonders how parents feel about their children's speaking. He feels if any allegation is made against a parent, it is difficult to refute it. He feels DCYF botched up the tape he heard. He asks whether, if questions are asked inappropriately, there is recourse. He believed his daughter-age 3 at the time- was questioned by DCYF inappropriately.

**Rep. Dumaine (in response to testimony)-** He said the previous speakers have not addressed the witnesses. He said every video he has seen brings up more questions that need responses. It is possible to subpoena a child to court, but he believes it is a lot harder to speak in court than in a deposition. He believes kids don't always tell the truth.

Respectfully Submitted,

Barbara Hull Richardson

Rep. Barbara Hull Richardson, Clerk

# Testimony

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE
33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

STEPHEN J. JUDGE
ACTING ATTORNEY GENERAL

FILE COPY

February 3, 2003

Children and Family Law Committee
Legislative Office Building
Room 206
Concord, New Hampshire 03301

Honorable Chair and Committee Members;

For the record, my name is Sandra Matheson and I am the Director of the State Office of Victim/Witness Assistance in the Attorney General's office, a position I have held for the past 16 years. I am here today to testify against House Bill 214 relative to lowering the minimum age at which a minor can be deposed.

I would like to give you some history and background on this law. In 1984, I was involved in attending numerous meetings and testified before the Senate Select Committee on Child Abuse. The Committee was formed by then Senate President Vesta Roy, and was charged with examining the state laws and services in the area of child protection.

The Committee Members included former:

- Senator Eleanor Poddles, Chair
- Senator Rhona Charbonneau
- Senator Edward Dupont, Jr
- Senator Susan McLane
- Senator Robert Preston

Countless professionals and citizens testified before the Committee and as a result many changes were recommended in their final report – including a bill that would no longer allow depositions of children under the age of 16. At that time children of all ages were being deposed.

Having sat through many hours of testimony on the issue I can tell you that the stories parents told about their children being deposed and the trauma they

experienced were often hard to listen to. Depositions often lasted for hours and since the defendant had the right to be present, the child was forced to sit, often in a small room, having to face the defendant, with no judge to oversee the process, and a defense counsel sometimes asking questions designed to intimidate and confuse the child.

Since the child had already been interviewed by law enforcement, sometimes by DCYF and sometimes by the prosecutor, the defense already had access to all of the child's statements, thus the Committee concluded that the rights of the defendant were not being violated by eliminating the right to depose the child.

The age was purposely changed to under 16, after the committee heard about the vulnerability of the adolescent and the difficultly this age group has in discussing such issues. I apologize if I offend anyone, but the worst case the committee heard was from the parents of a 13-year-old girl who was grabbed off the street and brutally raped by a stranger. The child required numerous operations to repair the damage done to her. The child underwent a two-hour deposition during which, she was by the defense attorney to describe her vagina. Yes that was a very extreme case but nonetheless it happened and it could happen again if this law passes.

On April 5, 1985 Senate Bill 2 was listed in the Senate Journal and I have copies of the remarks made by former Senators McLane and Poddles. Senate Bill 2 was passed and the deposition law was changed. No longer would children have to endure the deposition process.

Now here we are, almost 18 years later, talking about going backward instead of forward when it comes to the rights of children. I urge you to recognize the ramifications of House Bill 214 and to vote against changing this law. Thank you.

Respectfully submitted,

Sandra Matheson

Sandra Matheson, Director
State Office of Victim/Witness Assistance
Office of the Attorney General
(603) 2713671

SB 2, relative to child victims and child abuse. Ought to Pass. Senator McLane for the Public Institutions/Health & Welfare committee.

SENATOR MCLANE: I am going to turn this bill over to Senator Podles, but before I do, I want to commend Senator Podles for the work she has done for a year now in our select committee on child abuse. The committee was formed, because in our Health & Welfare oversight committee, we had one meeting on a sort of update of the select committee of the 1983 session. It became very clear to the Health & Welfare oversight committee that several recommendations of that committee were not being implemented. 1) the hotline and I remember the look on Senator Preston's face when he discovered that four years ago a bill had been passed calling for a hotline in child abuse cases. Nothing had been done, but the worst of all was that the select committee of 1983 made a recommendation that there be 27 new social workers to deal with the growing cases of child abuse. Only three of those 27 positions had been implemented, so for that reason, Madam Chairman, you appointed a committee on child abuse to be headed by Senator Podles and SB 2 is the first of that committee's report.

SENATOR PODLES: I ask your concurrence with the committee report ought to pass on SB 2. This bill is the result of a year of study by the Senate Select Committee on Child Abuse and it was drafted with the valued assistance with the N.H. Judicial Council and the office of Attorney General. As chairman of that committee, I would like to express my appreciation to Senate President Vesta Roy for making this important study possible. The Committee on child abuse heard testimony from psychologists, social workers, police officers, prosecutors, victim advocates, officials from other states and many other concerned groups and individuals, including the parents of children who were victims of crime and had to testify in court. The select committee found a compelling need for fundamental change in the way our system treats child victims. We found that some cases are dropped and some are never brought forward because of the hardship now experienced by child victims. Currently, children go through the same system as if they are adults. The first three sections of SB 2 are designed to reduce the trauma experienced by child victims during the judicial process. Discovery depositions in criminal cases involving witnesses under the

age of 16 are eliminated. The testimony we have heard from parents and child advocates indicated that discovery depositions were often the most difficult of the court process for child victims because at such depositions, questioning was conducted without a jury present. Provision is also made for videotape deposition by child victims to be used in lieu of testimony at trial. Videotape depositions will shorten the time the children are required to keep their details of crimes fresh in their minds. It will minimize the stress that the child may endure and it will speed up child abuse cases. Finally, a parent or other supportive adult is permitted to accompany the child during testimony. Often parents and advocates are subpoenaed only and sequestered leaving a child to testify alone. Great care has been taken not to abridge any rights of accused persons and the select committee has received the strongest assurances that this bill will withstand any constitutional challenge. Sections 4-8 of the bill would increase sentences for those who commit crimes against children, particularly repeat offenders. Sexual contact with a person under the age of 13 would become a felony, a Class B felony. I wish to assure the members of the Senate that this bill applies only to behavior which can be reasonably construed as being for the purpose of sexual arousal or gratification. Section 6 would make it a felony to derive support from acts of prostitution by a minor to knowingly provide a place for such acts or to transport a minor for purposes of prostitution. Section 7 of the bill would make anyone convicted of assault or sexual assault on a person under 13 eligible for an extended term of imprisonment, for felonies up to 30 years, for misdemeanors, up to 5 years. I would like to place special emphasis on this section of the bill today because I wish the record to show that it is the intent of the sponsors of this bill, and I believe the Senate, to see that these extended terms of imprisonment are imposed on child molesters. Finally, section 8 of the bill would make anyone found guilty of three sexual assaults or three attempted sexual assaults eligible for life imprisonment. I ask you to vote for SB 2 to show that this Senate wishes to affirm the rights of children to the protection of the law. I would like to at this time, thank the committee that has worked so diligently with me for over a year.

Adopted. Ordered to Third Reading.

SB 90, relative to wrongful birth actions. Inexpedient to Legis-

OFFICE OF THE
STRAFFORD COUNTY ATTORNEY

PETER K. ODOM
DEPUTY COUNTY ATTORNEY

P.O. BOX 799
DOVER, NH 03821-0799
(603) 749-2808

HB 214

FILE COPY

HELLO.

MY NAME IS PETER ODOM. I AM THE DEPUTY COUNTY ATTORNEY IN STRAFFORD COUNTY AND THE FORMER CHIEF STAFF ATTORNEY WITH DCYF.

I SPEAK TOAY IN OPPOSITION TO HOUSE BILL 214.

IMAGINE FOR A MOMENT THAT YOU ARE THE VICTIM OF A VIOLENT OR A SEXUAL CRIME. IMAGINE BEING SUBPOENAED TO THE OFFICE OF AN ATTORNEY TO BE QUESTIONED UNDER OATH BY THE LAWYER REPRESENTING YOUR ATTACKER. YOUR ATTACKER WILL BE PRESENT. YOU HAVE NO IDEA WHAT KINDS OF QUESTIONS WILL BE ASKED. THE PROSECUTOR WILL BE PRESENT, BUT HIS OR HER ABILITY TO MAKE OBJECTIONS IS VERY LIMITED. THERE WILL BE NO JUDGE PRESENT. THERE IS ALMOST NO LIMIT TO WHAT MAY BE ASKED.

IF YOU ARE ASKED QUESTIONS ABOUT YOUR MEDICAL HISTORY, DO YOU HAVE TO ANSWER?

IF YOU ARE ASKED QUESTIONS ABOUT THE INTIMATE DETAILS OF YOUR PRIVATE LIFE, DO YOU HAVE TO ANSWER?

ANY REASONABLE ADULT WOULD BE TERRIFIED AT THIS PROSPECT.

NOW IMAGINE THAT YOU ARE 14 YEARS OLD.

IF HOUSE BILL 214 BECOMES LAW, YOU WILL NOT HAVE TO IMAGINE THIS SCENARIO: IT WILL BECOME REALITY.

THE CURRENT DEPOSITION STATUTE ALLOWS SO CALLED DISCOVERY DEPOSITIONS – PRETRIAL UNDER-OATH INTERVIEWS – ONLY WHEN NECESSARY. THAT IS, A PARTY SEEKING TO CONDUCT A DEPOSITION OF A POTENTIAL WITNESS MUST SHOW THAT THE DEPOSITION IS JUSTIFIED TO ENSURE A FAIR TRIAL OR TO AVOID UNFAIR SURPRISE.

VICTIMS AND WITNESSES WHO ARE 16 OR UNDER AT THE TIME OF THE DEPOSITION ARE EXEMPTED FROM DISCOVERY DEPOSITION. THERE ARE EXCELLENT REASONS FOR THIS EXEMPTION THAT HAVE BEEN WELL-DOCUMENTED AND DEBATED BEFORE THE GENERAL COURT. I WILL LET SANDY MATHESON ADDRESS THOSE REASONS DURING HER TESTIMONY.

BUT I AM HERE TO MAKE TWO POINTS.

FIRST: EXISTING LAW PROVIDES MANY AVENUES FOR OBTAINING INFORMATION ABOUT CHILD WITNESSES:

- RSA 517:13-a ALLOWS FOR VIDEOTAPED DEPOSITION OF A CHILD WITNESS WITH A JUDGE AND A PARENT PRESENT WHEN SUCH A PROCEEDING IS NECESSARY;
- *STATE V. GAGNE* ALLOWS FOR OTHERWISE CONFIDENTIAL DOCUMENTS SUCH AS MEDICAL REPORTS, SCHOOL RECORDS, AND DCYF RECORDS TO BE REVIEWED BY THE TRIAL JUDGE WHERE NECESSITY FOR SUCH A REVIEW CAN BE SHOWN;
- COURT RULES REQUIRE THAT ALL WITNESS STATEMENTS--INCLUDING THOSE MADE BY CHILDREN OF ANY AGE--BE TURNED OVER TO THE DEFENSE SHORTLY AFTER CRIMINAL CHARGES ARE FILED;
- RSA 169-C:38 REQUIRES THAT MOST LAW ENFORCEMENT INTERVIEWS WITH CHILD VICTIMS BE VIDEOTAPED OR AUDIOTAPED IN THEIR ENTIRETY;

WHAT ALL THIS MEANS IS THAT THERE IS NO SHORTAGE OF WAYS TO OBTAIN INFORMATION ABOUT CHILD WITNESSES WHEN SUCH INFORMATION IS NECESSARY. THE DEPOSITION STATUTE MERELY SAVES CHILDREN FROM BEING SUBJECTED TO THE MOST INTRUSIVE, DISRUPTIVE, AND INTIMIDATING PROCESS OF A DEPOSITION.

THE SECOND POINT IS THAT, WHILE OUR STATUTE PROTECTS CHILDREN FROM DISCOVERY DEPOSITION, THIS DOES NOT MEAN THAT CRIMINAL DEFENDANTS DO NOT GET TO QUESTION CHILDREN; EXCEPT IN VERY RARE CIRCUMSTANCES, WITNESSES OF ALL AGES TESTIFY LIVE AT TRIAL AND ARE SUBJECT TO CROSS-EXAMINATION ON ANY TOPIC THAT IS RELEVANT TO THE CRIME. THE DEFENDANT'S RIGHT TO CONFRONT WITNESSES IS COMPLETELY PROTECTED. AND THE SUGGESTION THAT THERE IS SOME VIOLATION OF DUE PROCESS BY PROTECTING CHILDREN FROM DEPOSITIONS IS SIMPLY NOT SUPPORTED BY THE LAW.

HB 214
Rep. Durrance - prime sponsor

C.O.P. deposition what is it? Judges grants motions anyway.

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(1) If an under age witness is telling the truth in a deposition, the information acquired could indict a defendant to plead guilty rather than putting the alleged victim and the tax payer of the State through a jury trial when a defendant is actually guilty of the crime in the first place.

(2) However, if an under age witness is not telling the truth and I might add in my thirty years of experience as police officer, Deputy Sheriff and in defense investigation, I've seen more than my share of people of all ages who do not tell the truth. It is a good deal easier for an under age witness to frame a claim at a deposition, where there is only a few people there to cross examine, rather than in a Court room during an on going jury trial and less expensive to the tax payer as a result of a mistrial.

b) When I was a Cop, I always finished an investigation before I ever made any arrest. If someone came to me with a complaint of any kind, I would not simply take that person word for it. I investigated it first & wanted to cross all my t's and dot all my I's before making my move. I have seen a change in police investigations within the last ten years or so. It seems that an arrest is

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once a murder first of all as a result of a person's complaint, then there is an investigation established to get evidence to build a case around the person already arrested. I often use this phrase when I see these types of cases. "Whoever gets to the Cops first wins."

c) The law is that a police officer must have enough probable cause to make an arrest but not necessarily enough evidence to get a conviction. I personally suggest I feel the probable cause to make an arrest is just as important as all evidence needed to convict. If a person is charged with a sexual assault of any kind his or her life is marked forever, no matter what the outcome of the investigation may be.

d) I am my thirty years of experience as an investigator, who deals more and more cases of over zealous police officers and/or over zealous prosecutors who are using this as a tool to stick a square peg in a round hole.

③ a. First this law was set up to protect the emotions and keep a child from being victimized by testifying @ a deposition. However, its a lot more of a trauma for that underage witness to testify in a jury trial when there is very little if any avenue of escape if they are not telling the truth. As scripture says, "Ye shall know the truth and the truth shall set you free." There is obviously no freedom if the truth is stiffled by anyone at anytime.

④ The way this law is written it gives the impression

or can be used to violates a defendants right of due process, can be used to conceal evidence and/or obstruct justice under the pretence of protecting the underage witnesses emotional state of mind.

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(5) Im not sponsering this bill to lower the age to toddler. Im sponsering this bill to lower the age to 13.

(6) 13 year old is a turning point in a persons life. a 13 year old is much more mature than they were when I was a young police. In my experience as an investigator have seen that maturity grows. 13 year old is much more street wise than he was when I was a young cop.

Sand.

# Report of the Senate Select Committee on Child Abuse

submitted to Senate President Vesta Roy, March 5, 1985

Senator Eleanor Podles, chairman
Senator Rhona Charbonneau
Senator Edward Dupont Jr.
Senator Leo Lessard
Senator Susan McLane
Senator Robert Preston

The Senate Select Committee on Child Abuse was appointed in February of 1984 by Senate President Vesta Roy and charged with reviewing state laws and services in the area of child protection; overseeing the transfer of child protective services within the Department of Health and Human Services from the Division of Welfare to the Division of Children and Youth Services, created by statute in 1983; and making recommendations to the 1985 session of the Legislature.

Senate President Roy also charged the Committee specifically with recommending changes in the state's child abuse reporting statute to ensure that "immunity shall not be granted to those who commit crimes against children," and with examining "statutory and procedural methods of reducing the trauma experienced by child victims during their interaction with the judicial system."

During the course of the Committee's deliberations, a successful transition of protective services took place between the Division of Welfare and the Division of Children and Youth Services six months ahead of schedule, and the Committee commends the directors and staff of both divisions for their cooperation and initiative in carrying out the intent of the Legislature.

In September of 1984, the N.H. Supreme Court held, in its decision in the case of State v. Howland, that the immunity provided in the state's reporting law applies only to the act of reporting, and not to any crimes against children, and this decision ensures that immunity cannot be granted to those who confess such crimes. The Committee has nevertheless included in its recommendations legislation which would make the statute clear on its face.

The Committee conducted a series of public hearings with testimony from child psychologists, victim advocates, social workers, police officers, prosecutors, attorneys, officials from other states, private organizations, and interested parties, including the parents of children required to testify in court about crimes committed against them.

New Hampshire's system of child protection must respond to a broad range of cases from civil neglect to felony crime, and this system involves many different branches of government. The Division of Children and Youth Services is responsible for the investigation of all reports of child abuse and neglect; the District Court is reponsible for hearing petitions of abuse and neglect and issuing orders for the protection of children; state and local police, county attorneys, and the Office of the Attorney General are together responsible for investigating and prosecuting crimes against children in Superior Court; and the Probate Court is responsible for the termination of parental rights when appropriate.

The Division of Children and Youth Services

The Select Committee on Child Abuse appointed in 1982 recommended that child protection, then part of the Division of Welfare, should be given "a top priority for increased funding." In its report, that committee noted that the Joint Fiscal Committee had approved additional positions in child protective services. No additional positions were added to the 1983-84 operating budget, and in fact the eighteen positions previously approved by the Fiscal Committee were all eliminated by across-the-board cuts and budget footnotes. In spite of a 45% increase in the number of reports of child abuse and neglect since 1981, no additional protective service caseworkers have been added to the operating budget, except for three temporary positions created in August of 1984 through a transfer of funds from the Division of Mental Health.

The 1984 Select Committee heard testimony about the need for centralized policy within the Division of Children and Youth Services, and about the need for quicker response to reports, mandatory follow-up on children determined to be at risk, better prioritization of reports and cases, improved record keeping, a twenty-four-hour hotline, and a comprehensive caseload and casework analysis. The Committee strongly supports all of these objectives, but we find that it is unfair and unrealistic to require that the Division carry out all these important tasks without the necessary additional staff.

The Committee has been informed that a casework analysis is underway within the Division to determine the Division's personnel needs, but the budget currently under consideration by the Legislature does not provide for any additional caseworkers.

District Court Cases

The 1982 Select Committee recommended legislation which became law in 1983 strengthening the authority of the District Court to make orders in cases of child abuse and neglect. The Division of Children and Youth Services has submitted legislation this year to make further changes in laws regarding civil proceedings in the District Court, which has the support of this Committee.

Probate Court

The Committee's recommendations include a review by the Supreme Court of procedures in the Probate Court to find ways of promoting permanency planning for children, specifically by eliminating delays in permanent adoptions for children in foster care.

Superior Court

The 1984 Select Committee focused its review on the problems involved in criminal cases within the jurisdiction of the Superior Court. The Committee heard many witnesses describe cases in which young victims of serious crime were subjected to as many as ten or more pretrial interviews, and trials lasting more than a year and sometimes two years. The Committee learned that some cases are dropped and others are never brought forward because of the trauma that existing procedures can inflict on child victims. One father, for example, testified that although he had the most profound

desire to see the man who raped his child convicted and sentenced, "If only I knew then what I know now, I don't think I would have gone through this."

Pretrial Procedures

The Committee finds that most pretrial interviews would be completely unnecessary if children were interviewed immediately by questioners trained in communicating with children and trained in the law so that they know exactly what information is necessary for prosecution if they find that a crime has been committed. Videotaping of these initial interviews would further reduce the need to question children repeatedly.

The Committee finds that there is a compelling need for greater cooperation among social workers, police officers, prosecutors, and the courts to promote a unified response by the system to reports of criminal abuse. The Committee's recommendations therefore include the drafting of interagency protocols spelling out the role of each branch of government in the investigation and prosecution of crimes against children.

Discovery Depositions

Parents and child advocates testified that pretrial discovery depositions are often the most difficult proceedings for child victims because cross-examination is conducted without a jury present. The Committee therefore recommends that pretrial discovery depositions be eliminated in criminal cases involving victims under the age of sixteen, except when such depositions are videotaped for presentation in lieu of testimony by the victim

at trial, as provided below. The Committee finds that the elimination of discovery depositions would not abridge the rights of defendants.

Videotaped Depositions in lieu of Trial Testimony

Testimony from the parents of child victims indicated an urgent need to shorten the amount of time that children are required to keep the details of crimes fresh in their minds. The Committee believes that this period of time can be shortened by providing in law for videotaped depositions to be used in lieu of trial testimony by child victims, as eleven other states have done. (These videotaped depositions in lieu of testimony should not be confused with the immediate initial videotaped interviews recommended above.)

In drafting the proposed legislation, the Committee has taken great care to protect the rights of defendants to adequate discovery, cross-examination, and face-to-face confrontation at the depositions videotaped for use in lieu of testimony. The Committee recognizes that it is very difficult for child victims to face their abusers, but finds that any law eliminating face-to-face confrontation would be subject to challenges under the N.H. and U.S. Constitutions

Increased Sentences

The Committee asked that the Office of the Attorney General draft recommendations for increasing sentences for those who commit crimes against children, particularly repeat offenders. These recommendations have been incorporated into the Committee's legislative package, along with revisions in

the law to facilitate prosecution of those who induce children into acts of prostitution.

Court Rules

The Committee's recommendations include passage of a Senate concurrent resolution by which the General Court may go on record in favor of proposed changes in court rules, urging the N.H. Supreme Court to approve these changes. These involve the use of anatomically correct dolls and leading questions in all New Hampshire courts, the elimination of delays in permanent adoption, and the scheduling of pretrial conferences to speed up court action in cases involving child victims.

Children's Trust Fund

The Committee has reviewed legislation from thirty other states providing for children's trust funds. The establishment of such a trust fund poses special problems for the State of New Hampshire, because most states fund their children's trust funds through income tax checkoffs and surcharges on marriage license fees. New Hampshire has no general income tax, and a surcharge was added to the marriage license fee in 1981 for the Domestic Violence Fund.

Because the N.H. Constitution prohibits the Senate from initiating revenue measures, the Committee believes that the House of Representatives, as well as the Executive Branch, should be involved in developing a proposal for a children's trust fund. The Committee's recommendations therefore include a

statute creating a committee to include one representative each of the governor, the House speaker, and the Senate president to make recommendations to the 1986 session of the Legislature for a children's trust fund.

## RECOMMENDATIONS

### Legislation

The Committee recommends that the Legislature pass Senate Bill 2 and Senate Concurrent Resolution ____. SB 2 would make changes in state law and SCR ____ would express the support of the membership of the Senate and House of Representatives for changes in court rules and urge the N.H. Supreme Court to adopt these changes. This legislation has been developed with the valued cooperation and support of the N.H. Judicial Council and the Office of the Attorney General. The Committee recommends that SB 2 be submitted to the Supreme Cout for an advisory opinion on its constitutionality.

### Senate Bill 2

Senate Bill 2 would eliminate discovery depositions in criminal cases involving witnesses under the age of sixteen, except when such depositions are videotaped for use in lieu of testimony, as provided below.

SB 2 would provide for videotaped depositions of victims under the age of sixteen to be introduced at trial in lieu of testimony. These depositions would include cross-examination by defense counsel and

face-to-face confrontation by defendants, and would be held as soon as possible after arraignment or indictment, allowing for adequate discovery by the defense.

In other words, defense counsel now have two opportunities to question child witnesses, at a discovery deposition and at trial. If SB 2 is adopted, there will be only one opportunity for cross-examination, either at a videotaped depositio or at trial.

SB 2 would also amend the law on juvenile proceedings so that when a crime against a child is alleged against a juvenile, a parent or other supportive adult would be allowed to accompany the child witness during testimony in the juvenile proceedings.

SB 2 would increase sentences for those who commit crimes against children, especially repeat offenders.

SB 2 would provide that anyone who derives support from acts of prostitution by a minor; knowingly provides a place for such acts; or who transports a minor for purposes of prostitution would be guilty of a felony.

Finally, SB 2 would amend the child abuse reporting law so that it cannot be construed to grant immunity to those who confess crimes against children.

Senate Concurrent Resolution #____

Senate Concurrent Resolution ____ would express the support of the membership of both houses for changes in court rules and would urge the N.H. Supreme Court to adopt these changes.

Anatomically correct dolls and the use of leading questions are now

allowed in New Hampshire courts at the discretion of the trial judge. Since anatomically correct dolls, leading questions and other technical aids for testimony by children are often necessary to assist children in giving evidence about crimes committed against them, SCR ____ would urge the Supreme Court to adopt rules allowing their use in courts throughout the state.

SCR ____ would also urge the Supreme Court to review the rules of the Probate Court to find ways of promoting permanency planning for children, specifically by eliminating delays in permanent adoptions for children in foster care.

Finally, SCR ____ would urge the Supreme Court to adopt proposed Superior Court Rule 62A, as proposed by the N.H. Judicial Council, which reads: "All criminal cases in which a minor child is a complaining witness shall be scheduled for a preliminary pre-trial conference within 60 days of the date of the indictment for the purposes of establishing a discovery schedule and providing such orders concerning the taking of such depositions and other discovery as may be necessary."

The recommended changes in court rules would be in addition to those new rules and rule changes necessary for the implementation of SB 2.

Children's Trust Fund

The Committee recommends passage of Senate Bill ____, establishing a committee made up of one representative each of the governor, the House speaker, and the Senate president to develop a proposal for a children's trust fund in New Hampshire for action by the 1986 session of the Legislature.

Interagency Cooperation

The Committee recommends that the attorney general be directed to oversee the drafting and implementation of interagency protocols between the Division of Children and Youth Services and law enforcement agencies in each county. These protocols should be public documents and should include specific procedures for: exchange of reports and information; reduction of the number of interviews with child victims; collection of evidence; protection of witnesses from intimidation and coercion, especially in incest cases; involvement of local child protection teams (interdisciplinary teams); placement and mental health resources for children and families during investigation and prosecution; and whatever other provisions may be deemed necessary to promote a unified response by all branches of government to reports of crimes against children.

Victim-Witness Assistance Program

The Committee recommends that the attorney general be directed to develop a proposal for a victim-witness assistance program to be submitted to the General Court during the current session. The Committee recommends that funding for this program be included in the operating budget under the Office of the Attorney General, and that federal funds be sought for this program. The Committee recommends that the goal of the program be to uphold the rights of victims throughout the criminal justice system both through direct services and through training at all levels.

The Committee has heard testimony that the need for such a program is great in many cases throughout New Hampshire, and that the staff of such a program will clearly have to prioritize the cases they deal with. This being the case, the Committee recommends that the first priority of the victim witness program be to assist child victims of crime.

Budgetary Action

The Committee holds that the General Court should provide the Division of Children and Youth Services with personnel and resources commensurate with the importance of its responsibililties. The Commitee finds that dramatic increases in reports of child abuse have led to unacceptable increases in the average caseloads of protective service workers. This finding is based on voluminous testimony from police officers, doctors, nurses, and other professionals who work directly with the Division.

Eighteen additional caseworker positions recommended by the 1982 Select Committee and approved by the Joint Fiscal Committee were all eliminated by across-the-board cuts and budget footnotes. Despite a 45% increase in reports of child abuse and neglect since 1981, the only additional caseworkers provided were three temporary positions funded in August of 1984 through a transfer of funds from the Division of Mental Health.

Caseload Reduction

The Committee recommends that average caseloads for protective service workers should approach, as nearly as possible, twenty cases per

worker, a standard that some states fix in statute, and should not exceed twenty-five cases per worker. Current statewide average caseloads are above thirty cases per worker.

New reports of child abuse must be investigated within 72 hours, and the Committee approves this requirement and believes it should be an even shorter period of time, but the Committee also believes that the Legislature and the public should be aware that investigation is only the beginning of the state's responsibility to children in danger. Equally important are careful monitoring of all at-risk cases, assistance to child victims in the court system, preparation of abuse and neglect petitions, appropriate placement and monitoring of children place outside the home by the courts, support for foster parents, working towards adoption, so that children can have permanent homes, and child abuse prevention programs.

The Committee also notes that the statewide annual education program on child sexual abuse recommended below is certain to increase still more the number of reports in this particularly difficult area.

Filling Vacant Positions

The Commitee finds that it often takes six months or more to fill a vacant protective service position, during which time the departed worker's cases are passed to others in the district office, further increasing average caseloads and interrupting services to children at risk. The Committee recommends that a personnel pool of five additional positions be established so that protective services can be replaced immediately.

Twenty-four-Hour Hotline

The Committee recommends that the 24-hour hotline approved by the 1979 session of the Legislature be implemented, and that reports received on this hotline be handled by protective service workers on an on-call system similar to the one in place in the Department of Public Works and Highways. The Commitee heard testimony that caseworkers are now on call 24 hours a day without compensation.

The Committee also believes, however, that the public should be educated to call the police when they suspect a crime is being or has been committed against a child, and that any 24-hour hotline should also alert police immediately to reports of crime, as provided in the protocols recommended above.

Statewide Annual Education Program

The Committee recommends that a statewide annual education program on child sexual abuse be made available to school districts on a voluntary basis. The materials used in such programs do not involve sex education and do not mention body parts, but simply instruct children to say "no," to get away, and to tell an adult when another adult is acting strangely. The Committee emphasizes the importance of training teachers, guidance counselors, school nurses, and other school personnel to handle the reports which will result from such programs.

The Committee recommends that this program be made available to school districts through the New Hampshire Department of Education.

## Social Work Degree Programs

The Committee recommends that the Department of Post-Secondary Vocational-Technical Education be asked to study the feasibility of establishing degree programs in social work. Besides training students for social work positions in New Hampshire, the Committee believes that such degree programs would also allow for student internships with the Division of Children and Youth Services.

## Questioning Guidelines

The Committee recommends that the N.H. Bar Association be asked to draw up guidelines for attorneys in questioning child witnesses.

## Acknowledgments

The Committee gratefully acknowledges the assistance of the N.H. Judicial Council, Attorneys General Gregory Smith and Stephen Merrill, Nashua Rape and Assault Support Services, the directors and staff of the Division of Children and Youth Services and the Division of Welfare, County Attorneys Paul Gagnon, Lincoln Soldati, Michael Randall, and William Paine, Officer Tim Davis of the Concord Police Department, Officer Brad Russ of the Portsmouth Police Department, State's Attorney Philip White and SRS Director Conrad Grimms of Orleans County, Vermont, George Fisher of the Harvard Law Review, the National Conference of State Legislatures, the Hon. Aaron Harkaway, the N.H. Task Force on Child Abuse, Jo Davidson, Miriam Newman, and Parents Anonymous.

The Committee expresses special thanks to the parents who testified at our hearings for their courage in discussing painful family tragedies and for their valued assistance in this effort to affirm the rights of children to the protection of the law.

Conclusion

The Committee wishes to reiterate the conclusion of the 1982 Select Committee on Child Abuse:

"While we hope that this report will be of value to the Legislature, we do not suggest that the study of this ancient, tragic problem is complete. We believe that government, and society as a whole, have really just begun to study the issue of children's rights, and we believe that society as whole should participate in addressing this problem.

"We recommend that child protection should be the subject of continuing study by the Legislature and that public participation in such study, particularly by those involved in the many aspects of child protection, should be encouraged. Our study has made it painfully clear that we must stop reacting to tragedies and take positive action."

1. Drafts of proposed legislation either to eliminate depositions of alleged child victims of sexual abuse when there is a reasonable alternative method of discovery or to allow depositions only under controlled circumstances.

2. The possibility of establishing more rigorous time limits - but this seems to present constitutional "equal protection" problems vis à vis ot types of cases.

LINA p.14 Los Angelos

3. The need for legislation to clarify the alleged child victim's righ have his parents and a child advocate present during legal proceedings, including proceedings in juvenile court when the alleged perpetrator is juvenile.

4. The Senate Committee's desire to clarify RSA 169-C:31, "Immunity fr Liability," to explicitly exclude a perpetrator from the immunity grant to one who reports child abuse. However, the decision in State v. Howl which is now before the Supreme Court, may either render that concern m or may raise other issues that would need to be taken into consideratio before any legislation is drafted.

5. The acceptability of using anatomical dolls as "demonstrative evidence," the use of one-way glass, the use of videotaped testimony at tr and the use of live video testimony from another room.

6. Problems arising from a young child's inability to specify exact calendar dates.

7. The suggestion that the District Courts be given jurisdiction over termination of parental rights in cases involving incest.

8. The question of the competency of a child witness to testify includin the types of questions that are necessary to establish competency.

9. The possibility of using a psychologist or child expert to testify as to the truthfulness of a child's allegation.

10. The recommendation that deferred sentencing be considered in incest cases.

11. With reference to suggestions that an alleged child victim's testimo be given in camera, please note that RSA 632-A:8 already requires this fc children under 16 years of age.

12. We have visited the Family Court in Rhode Island to learn about thei system of Court Appointed Special Advocates (CASA's). Recommendations along this line would be more appropriately offered after other decisions have been made - e.g. if depositions are eliminated or carried out under stricter guidelines, and if social workers have a more defined role, ther may not be a need for CASA's.

13. We think that educational efforts may be very helpful in eliminating some of the problems that have been raised, and we may make some suggestions along this line.

February 21, 1984

Charge to the Senate Select Committee on Child Abuse

Senate President Vesta Roy

Madame chairman, members of the committee, I have reconstituted this select committee for the purpose of reviewing state laws and services in the area of child protection; to oversee the transition of child protection services within the Department of Health and Welfare from the Division of Welfare to the Division of Children and Youth; and to make recommendations for legislation in the 1985 session.

The select committee appointed in 1982, on which I served, culminated in the passage of Senate Bill 2 in 1983, making significant improvements to New Hampshire's Child Protection Act. The law was amended to affirm more clearly the rights of children to a safe environment, and to strengthen the power of the district court judges to impose conditions on families in cases where a finding of abuse or neglect has been made. The report of that committee also urged continued study of this tragic problem by the Legislature.

Specifically, I would like this committee to propose an amendment to our state law on child abuse reporting. Current law states that anyone making a report of child abuse in good faith shall be exempt from civil and criminal prosecution, and this law can be construed to apply to those who report themselves. I believe the law should be changed so that it is very clear that this immunity shall not be given to those who commit crimes against children.

I also ask that the committee monitor the transition of child protection services between agencies, and work with the Executive Branch to find ways of improving services to children.

I believe this committee can, in the coming year, develop significant legislation for the 1985 session, working closely with the Department of Health and Welfare, the Joint Health and Welfare Oversight Committee, the N.H. Task Force on Child Abuse, and all the other concerned groups and individuals whose assistance was so valuable to the 1982 select committee.

The committee is also assured of the cooperation of the Office of the Attorney General, the N.H. Judicial Council, and the Office of Legislative Services in drafting proposed legislation.

The National Conference of State Legislatures, through their Children and Youth Project, has also provided extensive material on new moethods and procedures which have proved successful in other states.

I urge the committee to work with county attorneys, youth professionals, officials from other states, and to consider suggestions from all interested parties on improving our system of child protection. In particular, I believe the committee should examine statutory and procedural methods of reducing the trauma experienced by child victims during their interaction with the judicial system.

The last select committee was appointed under tragic circumstances.

It was prompted by the death of a little girl. I believe that as leaders of this state, we owe it to the children of New Hampshire not to wait for another tragedy, but to take positive action to uphold their right to a safe and happy childhood.

I ask that the committee submit its report to the Office of the Senate President on or before December 1, 1984. Thank you.

SB 2, relative to child victims and child abuse. Ought to Pass. Senator McLane for the Public Institutions/Health & Welfare committee.

SENATOR MCLANE: I am going to turn this bill over to Senator Podles, but before I do, I want to commend Senator Podles for the work she has done for a year now in our select committee on child abuse. The committee was formed, because in our Health & Welfare oversight committee, we had one meeting on a sort of update of the select committee of the 1983 session. It became very clear to the Health & Welfare oversight committee that several recommendations of that committee were not being implemented. 1) the hotline and I remember the look on Senator Preston's face when he discovered that four years ago a bill had been passed calling for a hotline in child abuse cases. Nothing had been done, but the worst of all was that the select committee of 1983 made a recommendation that there be 27 new social workers to deal with the growing cases of child abuse. Only three of those 27 positions had been implemented, so for that reason, Madam Chairman, you appointed a committee on child abuse to be headed by Senator Podles and SB 2 is the first of that committee's report.

SENATOR PODLES: I ask your concurrence with the committee report ought to pass on SB 2. This bill is the result of a year of study by the Senate Select Committee on Child Abuse and it was drafted with the valued assistance with the N.H. Judicial Council and the office of Attorney General. As chairman of that committee, I would like to express my appreciation to Senate President Vesta Roy for making this important study possible. The Committee on child abuse heard testimony from psychologists, social workers, police officers, prosecutors, victim advocates, officials from other states and many other concerned groups and individuals, including the parents of children who were victims of crime and had to testify in court. The select committee found a compelling need for fundamental change in the way our system treats child victims. We found that some cases are dropped and some are never brought forward because of the hardship now experienced by child victims. Currently, children go through the same system as if they are adults. The first three sections of SB 2 are designed to reduce the trauma experienced by child victims during the judicial process. Discovery depositions in criminal cases involving witnesses under the

age of 16 are eliminated. The testimony we have heard from parents and child advocates indicated that discovery depositions were often the most difficult of the court process for child victims because at such depositions, questioning was conducted without a jury present. Provision is also made for videotape deposition by child victims to be used in lieu of testimony at trial. Videotape depositions will shorten the time the children are required to keep their details of crimes fresh in their minds. It will minimize the stress that the child may endure and it will speed up child abuse cases. Finally, a parent or other supportive adult is permitted to accompany the child during testimony. Often parents and advocates are subpoenaed only and sequestered leaving a child to testify alone. Great care has been taken not to abridge any rights of accused persons and the select committee has received the strongest assurances that this bill will withstand any constitutional challenge. Sections 4-8 of the bill would increase sentences for those who commit crimes against children, particularly repeat offenders. Sexual contact with a person under the age of 13 would become a felony, a Class B felony. I wish to assure the members of the Senate that this bill applies only to behavior which can be reasonably construed as being for the purpose of sexual arousal or gratification. Section 6 would make it a felony to derive support from acts of prostitution by a minor to knowingly provide a place for such acts or to transport a minor for purposes of prostitution. Section 7 of the bill would make anyone convicted of assault or sexual assault on a person under 13 eligible for an extended term of imprisonment, for felonies up to 30 years, for misdemeanors, up to 5 years. I would like to place special emphasis on this section of the bill today because I wish the record to show that it is the intent of the sponsors of this bill, and I believe the Senate, to see that these extended terms of imprisonment are imposed on child molesters. Finally, section 8 of the bill would make anyone found guilty of three sexual assaults or three attempted sexual assaults eligible for life imprisonment. I ask you to vote for SB 2 to show that this Senate wishes to affirm the rights of children to the protection of the law. I would like to at this time, thank the committee that has worked so diligently with me for over a year.

Adopted. Ordered to Third Reading.

SB 90, relative to wrongful birth actions. Inexpedient to Legis-

# Voting Sheets

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HB 214

**BILL TITLE:** **relative to discovery deposition of minors in criminal cases.**

**DATE:** Feb. 19, 2003

**LOB ROOM:** 206

**Amendments:**

| | | | |
|---|---|---|---|
| Sponsor: Rep. Arnold | OLS Document #: | 0181h | Failed |
| Sponsor: Rep. Arnold | OLS Document #: | 0180h | Adopted |
| Sponsor: Rep. | OLS Document #: | | |

**Motions:** (OTP) OTP/A, ITL, Interim Study (Please circle one.) **AMENDMENT 0181h**

Moved by Rep. Thomas I. Arnold Jr.

Seconded by Rep. Daniel C. Itse

failed

Vote: 1-11 (Please attach record of roll call vote.)

**Motions:** (OTP) OTP/A, ITL, Interim Study (Please circle one.) **AMENDMENT 0180h**

Moved by Rep. Thomas I. Arnold Jr.

Seconded by Rep. Margaret D. Hallyburton

passed

Vote: 14-0 (Please attach record of roll call vote.)

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HB 214

**BILL TITLE:** **relative to discovery deposition of minors in criminal cases.**

**DATE:** Feb. 19, 2003

**LOB ROOM:** 206

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, (OTP/A), ITL, Interim Study (Please circle one.)

Moved by Rep. Thomas I. Arnold Jr.

Seconded by Rep. Margaret D. Hallyburton

Vote: 12-0 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 12-0

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. Barbara Hull Richardson, Clerk

**OFFICE OF THE HOUSE CLERK** 2003 SESSION

**CHILDREN AND FAMILY LAW**

**Bill #:** HB 214 Title: relative to discovery deposition of minors in criminal cases

PH Date: 2/4/03 Exec Session Date: 2/19/03

**Motion:** amendment only ot adopt Amendment #: 0181h

| MEMBER | YEAS | NAYS |
|---|---|---|
| Moran, Edward P, Chairman | | ✓ |
| McRae, Karen K, V Chairman | | ✓ |
| Brown, Julie M | | |
| Arnold, Thomas I | | ✓ |
| Bickford, David A | ✓ | |
| Greenberg, Gary C | | |
| Bouchard, David M | | |
| Itse, Daniel C | | |
| Furman, Christine M | | |
| Gargasz, Carolyn M | | |
| Dokmo, Cynthia J | | ✓ |
| Ouellette, Robert O | | |
| Hallyburton, Margaret D | | ✓ |
| Allen, Janet F | | ✓ |
| Blanchard, Elizabeth D | | ✓ |
| Pratt, Irene A | | ✓ |
| Allison, David C | | |
| Richardson, Barbara Hull, Clerk | | ✓ |
| Johnson, Lionel W | | ✓ |
| Grassie, Anne C | | |
| Gile, Mary Stuart | | ✓ |
| | 1 | 11 |
| TOTAL VOTE: | | |

Printed: 2/5/2003

**OFFICE OF THE HOUSE CLERK** 2003 SESSION

**CHILDREN AND FAMILY LAW**

**Bill #:** HB 124 Title: relative to discovery depositions of minors in criminal cases

PH Date: 2/4/03 Exec Session Date: 2/19/03

**Motion:** Amendment only OTP Adopt Amendment #: 0180h

| MEMBER | YEAS | NAYS |
|---|---|---|
| Moran, Edward P, Chairman | ✓ | |
| McRae, Karen K, V Chairman | ✓ | |
| Brown, Julie M | | |
| Arnold, Thomas I | ✓ | |
| Bickford, David A | ✓ | |
| Greenberg, Gary C | ✓ | |
| Bouchard, David M | | |
| Itse, Daniel C | ✓ | |
| Furman, Christine M | | |
| Gargasz, Carolyn M | | |
| Dokmo, Cynthia J | ✓ | |
| Ouellette, Robert O | | |
| Hallyburton, Margaret D | ✓ | |
| Allen, Janet F | ✓ | |
| Blanchard, Elizabeth D | ✓ | |
| Pratt, Irene A | ✓ | |
| Allison, David C | | |
| Richardson, Barbara Hull, Clerk | ✓ | |
| Johnson, Lionel W | ✓ | |
| Grassie, Anne C | | |
| Gile, Mary Stuart | ✓ | |
| | 14 | 0 |

TOTAL VOTE:
Printed: 2/5/2003

**OFFICE OF THE HOUSE CLERK** 2003 SESSION

**CHILDREN AND FAMILY LAW**

**Bill #:** HB 214 Title: relative to discovery deposition of minors in criminal cases

PH Date: 2/4/03 Exec Session Date: 2/19/03

**Motion:** OTP/A Amendment #: 0180h

| MEMBER | YEAS | NAYS |
|---|---|---|
| Moran, Edward P, Chairman | ✓ | |
| McRae, Karen K, V Chairman | ✓ | |
| Brown, Julie M | | |
| Arnold, Thomas I | ✓ | |
| Bickford, David A | ✓ | |
| Greenberg, Gary C | | |
| Bouchard, David M | | |
| Itse, Daniel C | | |
| Furman, Christine M | | |
| Gargasz, Carolyn M | | |
| Dokmo, Cynthia J | ✓ | |
| Ouellette, Robert O | | |
| Hallyburton, Margaret D | ✓ | |
| Allen, Janet F | ✓ | |
| Blanchard, Elizabeth D | ✓ | |
| Pratt, Irene A | ✓ | |
| Allison, David C | | |
| Richardson, Barbara Hull, Clerk | ✓ | |
| Johnson, Lionel W | ✓ | |
| Grassie, Anne C | | |
| Gile, Mary Stuart | ✓ | |
| | 12 | 0 |

TOTAL VOTE:
Printed: 2/5/2003

# Committee Report

# COMMITTEE REPORT

COMMITTEE: **Children and Family Law**

BILL NUMBER: **HB 214**

TITLE: relative to discovery deposition of minors in criminal cases.

DATE: Feb. 19, 2003 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☒ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

**STATEMENT OF INTENT**
**(Include Committee Vote)**

This bill as amended merely confirms in statute the expression "at the time of the deposition" which is already the Supreme Court's definition of the present language being, "at the time of the alleged offense."

Vote 12-0.

Rep. Thomas I. Arnold Jr.
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

CONSENT CALENDAR

Children and Family Law

**HB 214**, relative to discovery deposition of minors in criminal cases. **OUGHT TO PASS WITH AMENDMENT**

Rep. Thomas I. Arnold Jr. for Children and Family Law: This bill as amended merely confirms in statute the expression "at the time of the deposition" which is already the Supreme Court's definition of the present language being, "at the time of the alleged offense." **Vote 12-0.**