

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 1 : CRIMES AGAINST THE PERSON

§ 1469. Special Evidentiary Standards in Domestic Violence Actions.

(a) Every party in a criminal or civil action involving domestic violence forfeits the right to object to a statement on hearsay and confrontation clause grounds when the party engaged in conduct, or acquiesced to conduct, designed to procure the unavailability of the declarant of the statement as a witness. The conduct need not consist of a criminal act.

(b) In any domestic violence case, evidence of a statement made by a witness is not made inadmissible by the hearsay rule if:

(1) the statement is inconsistent with his testimony at the hearing or trial,
and

(2) the witness is subject to cross-examination concerning the statement,
and

(3) the statement:

(i) was made under oath at a trial, hearing, or other proceeding, or

(ii) narrates, describes, or explains an event or condition of which the witness had personal knowledge, and:

(A) the statement is proved to have been written or signed by the witness, or

(B) the witness acknowledged under oath the making of the statement either in his testimony at the hearing or trial in which the admission into evidence of the prior statement is being sought, or at a trial, hearing, or other proceeding, or

(C) the statement is proved to have been accurately recorded by a tape recorder, videotape recording, or any other similar electronic means of sound recording.

(4) Nothing in this subsection shall render a prior inconsistent statement inadmissible for purposes of impeachment because such statement was not recorded or otherwise fails to meet the criteria set forth herein.

(c) In a criminal proceeding involving domestic violence, a witness may be qualified by the court as an expert if the witness has specialized knowledge beyond that possessed by the average layperson based on the witness's experience with, or specialized training or education in, criminal justice, behavioral sciences or victim services issues, related to domestic violence, that will assist the trier of fact in understanding the dynamics of domestic violence, victim responses to domestic violence and the impact of domestic violence on victims during and after being assaulted.

(1) If qualified as an expert, the witness may testify to facts and opinions regarding specific types of victim responses and victim behaviors.

(2) The witness's opinion regarding the credibility of any other witness, including the victim, shall not be admissible.

(3) A witness qualified by the court as an expert under this section may be called by the attorney for the Commonwealth or the defendant to provide the expert testimony.

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Source: [PL 20-28](#) § 3 (Dec. 11, 2017), modified.

Commission Comment: The Commission changed capitalization in (a) pursuant to [1 CMC § 3806](#)(f).