

**§ 6503. Witness to Outcry of Abuse.**

(a) This section applies to a proceeding in the prosecution of an offense under any provision involving child abuse, sexual abuse of a minor, or any other offense committed against a child 16 years of age or younger or a person with a disability.

(b) This section applies only to statements that:

(1) describe the alleged offense; or

(2) describe a crime, wrong, or act other than the alleged offense, if the statement is offered during the punishment phase of the proceeding; and

(i) if the crime, wrong, or act other than the alleged offense was allegedly committed by the defendant against the victim or against another child 16 years of age or younger or another person with a disability; and

(ii) if the statement is otherwise admissible as evidence under Rule 404 or 405 of the CNMI Rules of Evidence or another law or rule of evidence of CNMI.

(3) were made by the child or person with a disability against whom the charged offense or other crime, wrong, or act was allegedly committed; and

(4) were made to the first person, 16 years of age or older, other than the defendant, to whom the child or person with a disability made an outcry statement about the offense or other crime, wrong, or act.

(c) A party may present testimony from a witness to such an outcry statement, regardless of any hearsay rules, if:

(1) on or before 14 calendar days before the trial begins, the party intending to offer the statement:

(i) notifies the adverse party of its intention to do so;

(ii) provides the adverse party with the name of the witness through whom it intends to offer the statement; and

(iii) provides the adverse party with discovery of the statement; or

(2) the trial court finds, in a hearing conducted outside the presence of the jury, that the statement is reliable based on the time, content, and circumstances of the statement; and

(3) the child or person with a disability testifies or is available to testify at the proceeding in court or in any other manner provided by law.

(d) In this section, “person with a disability” means a person 17 years of age or older who because of age or physical or mental impairment, is substantially unable to protect the person’s self from harm or to provide food, shelter, medical care, or other major life activities for the person’s self.

**Source:** PL 22-29, § 2 (Jan. 31, 2023), modified.

**Commission Comment:** *Legislative Findings of 2023 Amendment.*— In addition to severability and savings clause provisions, PL 22-29 included the following Findings and Purpose section:

Section 1. Findings and Purpose.

**TITLE 6: CRIMES AND CRIMINAL PROCEDURE**  
**DIVISION 6: CRIMINAL PROCEDURE**

The Legislature finds that children subject to abuse often have a difficult time reporting it in the same manner as adults. There are likely to be substantial delays in reporting. Moreover, children are likely to talk to a friend, teacher or parent before any formal investigation begins. Known as outcry statements, such statements provide significant evidence of the abuse and are admissible in most states as an exception to the hearsay rules. This bill sets out the standards for admission of an outcry of abuse and requires a judge to find the statement sufficiently reliable to justify its admission. The United States Supreme Court has already addressed this issue and found that admission of an outcry statement of a child does not violate an accused's right to confrontation of witnesses. See *Ohio v. Clark*, 576 U.S. 237 (2015). This provision will provide a jury with critical information in evaluating the credibility of a victim of physical or sexual abuse who is a child or a person with a disability.

*Modifications.*— In codifying PL 22-29, the Commission redesignated subsections 101–104 to lowercase letters; lowercase letter designations to Arabic numeral paragraphs; and Arabic numeral designations to lowercase Roman numeral subparagraphs, pursuant to 1 CMC § 3806(a), to ensure consistency in numbering hierarchy.