

TITLE 7: CIVIL PROCEDURE
DIVISION 3: TRIAL

§ 3311. Waiver.

(a) A victim does not waive the protections provided in 7 CMC § 3309 by testifying, except that, if the victim partially discloses the contents of a confidential communication in the course of testifying in a civil, criminal, or administrative proceeding, then either party may request the court or hearing officer to rule that justice requires the protections of 7 CMC § 3309 to be waived to the extent they apply to that portion of the communication. A waiver under this subsection applies only to the extent necessary to require a witness to respond to counsel's questions concerning the confidential communications that were disclosed and only to the extent that they are relevant to the facts of the case.

(b) A victim counselor may not waive the protections afforded to a victim under 7 CMC § 3309 without the consent of the victim or the consent of a parent, legal guardian, or guardian ad litem authorized to give consent under 7 CMC § 3309.

Source: PL 14-9, § 6 (3311).

Commission Comment: PL 14-9 was enacted on May 28, 2004 and contained, in addition to other enactments, a short title, findings, severability, and savings clause provisions. See the comment to 7 CMC § 3309 regarding PL 14-9.