

TITLE 7: CIVIL PROCEDURE
DIVISION 3: TRIAL

§ 3313. Definitions.

In §§ 3309-3312 of this chapter,

(a) “Confidential communication” means information exchanged between a victim and a victim counselor in private or in the presence of a third party who is necessary to facilitate communication or further the counseling process and that is disclosed in the course of victim counseling resulting from a sexual assault or domestic violence;

(b) “Sexual assault” means sexual assault or sexual abuse of a minor in any degree, under 6 CMC §§ 1301-1309, or the former crimes of Rape, Rape of Spouse, Criminal Sodomy, Criminal Oral Copulation, Rape By Object, or Sexual Abuse of a Child, under former 6 CMC §§ 1301-1311, or an offense in another jurisdiction whose elements are similar to the elements of an offense listed in this subsection;

(c) “Victim” means a person who consults a victim counselor for assistance in overcoming adverse effects of a sexual assault or domestic violence;

(d) “Victim counseling” means support, assistance, advice, or treatment to alleviate the adverse effects of a sexual assault or domestic violence on the victim;

(e) “Victim counseling center” means a private organization or a local government agency that

(A) Has as one of its primary purposes the provision of direct services to victims for trauma resulting from a sexual assault or domestic violence; and

(B) Is not affiliated with a law enforcement agency or a prosecutor’s office.

(f) “Victim counselor” means an employee or supervised volunteer of a victim counseling center that provides counseling to victims

(A) Who has undergone a minimum of 40 hours of training in domestic violence or sexual assault, crisis intervention, victim support, treatment and related areas; and

(B) Whose duties include victim counseling.

Source: PL 14-9, § 6 (3313), modified.

Commission Comment: The Commission made conforming changes in the above section in accordance with 1 CMC § 3806. 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.