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Testimony of
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Raised Bill No. 699
An Act Concerning the Sexual Assault of Children

Judiciary Committee Public Hearing
March 20, 2008

The Office of Chief Public Defender opposes subsection (b) of section 2 of Raised Bill No. 699. This subsection makes an exception to the sequestration rule in the previous section in cases of assault, sexual assault or abuse of a child twelve years of age or younger. In order to promote truthful testimony, unaffected by the testimony of other witnesses, Section 2, subsection (a) as drafted requires that, "upon motion of the state or the defendant," all witnesses shall be "sequestered during the hearing on any issue or motion or any part of the trial in which such witness is not testifying." This is a time honored and tested rule that helps ensure truthful testimony. Section 2, subsection (b) allows for an exception in the above denominated cases.

While the Office of Chief Public Defender certainly understands why this exception might be necessary in **some** cases, this deviation from the long standing rule of sequestration should be taken only when absolutely necessary. Accordingly, we respectfully submit that language be added to the subsection requiring the court to make a finding that "there is no other non-witness person who is an adult and with whom the child feels comfortable" who can fulfill that role.