

114TH CONGRESS
2D SESSION

S. 3524

To amend Rule 611 of the Federal Rules of Evidence to prohibit cross-examination by the accused of minor victims of sexual assault.

IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 2016

Mr. FLAKE (for himself and Mrs. FEINSTEIN) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To amend Rule 611 of the Federal Rules of Evidence to prohibit cross-examination by the accused of minor victims of sexual assault.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CROSS-EXAMINATION OF VICTIMS BY THE AC-**
4 **CUSED.**

5 (a) IN GENERAL.—Rule 611 of the Federal Rules of
6 Evidence is amended by adding at the end the following:

7 “(d) CROSS-EXAMINATION BY PRO SE DEFENDANTS
8 OF MINOR VICTIMS OF SEXUAL ASSAULT.—In a criminal
9 case in which a defendant accused of sexual assault of a
10 minor represents himself or herself pro se, upon applica-

1 tion by the prosecutor, the minor, or the minor’s rep-
 2 resentative, cross-examination of the minor—

3 “(1) shall not be conducted by the defendant
 4 unless the court finds that it is necessitated by ex-
 5 ceptional circumstances to protect the constitutional
 6 rights of the defendant; and

7 “(2) shall instead be conducted by an attorney
 8 for the defendant under the supervision of the court.

9 “(e) DEFINITIONS.—In this rule—

10 “(1) the term ‘minor’ means an individual
 11 under the age of 18;

12 “(2) the term ‘sexual assault of a minor’ means
 13 a crime under Federal law involving—

14 “(A) any conduct—

15 “(i) prohibited under section 1591 or
 16 chapter 109A, 110, or 117 of title 18,
 17 United States Code; or

18 “(ii) described in paragraphs (2)
 19 through (5) of Rule 413(d); and

20 “(B) a victim who is a minor; and

21 “(3) the term ‘victim’ means a person directly
 22 and proximately harmed as a result of the commis-
 23 sion of an offense.”.

24 (b) EFFECTIVE DATE.—The amendment made by
 25 subsection (a) shall apply—

1 (1) to any proceeding commenced on or after
2 the date of enactment of this Act; and

3 (2) insofar as is just and practicable, to any
4 proceeding pending on such date of enactment.

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