

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

A Bill

SENATE BILL 12

4
5 By: Senators Miller, Lavery
6 By: Representatives D. Creekmore, Cook, Cooper, Walters

For An Act To Be Entitled

10 AN ACT TO CLARIFY THE PROCEDURE FOR PROTECTING A
11 CHILD WITNESS IN A SEX OFFENSE CASE FROM
12 TRAUMATIC CROSS-EXAMINATION BY AN ATTORNEY PRO
13 SE; AND FOR OTHER PURPOSES.

Subtitle

16 TO CLARIFY THE PROCEDURE FOR PROTECTING
17 A CHILD WITNESS IN A SEX OFFENSE CASE
18 FROM TRAUMATIC CROSS- EXAMINATION BY AN
19 ATTORNEY PRO SE.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24 SECTION 1. Arkansas Code § 16-43-1001(e), pertaining to the
25 presentation of testimony by closed-circuit television of a child if the
26 defendant is an attorney pro se, is amended to read as follows:

27 (e)(1) This ~~Except as provided in subdivision (e)(2) of this section,~~
28 this section does not apply if the defendant is an attorney pro se, unless
29 the defendant has a court-appointed attorney assisting the defendant in the
30 defense, in which case only the court-appointed attorney shall be permitted
31 in the room with the child during the child's testimony.

32 (2)(A)(i) On motion of the prosecutor or the defendant, upon a
33 showing of clear and convincing evidence that the cross-examination of the
34 child by the defendant would be harmful or detrimental to the child, the
35 court may appoint an attorney for the sole purpose of conducting the cross-
36 examination of the child.



1 (ii) The defendant shall remain in the courtroom,
2 and the court-appointed attorney will be permitted in the room with the child
3 during the child's testimony.

4 (B) The court shall consider the factors listed in
5 subsection (b) of this section in ruling on the motion to appoint an attorney
6 to conduct the cross-examination of the child.

7 (3) If an attorney is appointed to conduct the cross-examination
8 of the child, the defendant shall be:

9 (A) Afforded a means of private and contemporaneous
10 communication with the court-appointed attorney during the cross-examination
11 of the child; and

12 (B) Allowed to direct reasonable subject matter inquiries
13 to the court-appointed attorney.

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