

114TH CONGRESS
2D SESSION

S. _____

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

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

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

1 minor represents himself or herself pro se, upon applica-
2 tion by the prosecutor, the minor, or the minor's rep-
3 resentative, cross-examination of the minor—

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

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

10 “(e) DEFINITIONS.—In this rule—

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

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

15 “(A) any conduct—

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

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

21 “(B) a victim who is a minor; and

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

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall apply—

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

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