

TITLE 7: CIVIL PROCEDURE
DIVISION 3: TRIAL

§ 3310. Exceptions.

The privilege provided under 6 CMC § 3309 does not apply to

- (1) Reports of suspected child abuse or neglect under 6 CMC §§ 5311-5316;
- (2) Evidence that the victim is about to commit a crime;
- (3) A proceeding that occurs after the victim's death;
- (4) A communication relevant to an issue of breach by the victim or victim counselor of a duty arising out of the victim-victim counselor relationship;
- (5) A communication that is determined to be admissible hearsay as an excited utterance under the Commonwealth Evidence Rules;
- (6) Any court proceeding authorized under 6 CMC § 5323;
- (7) A communication made during the victim-victim counselor relationship if the services of the counselor were sought, obtained, or used to enable anyone to commit or plan a crime or to escape detection or apprehension after the commission of a crime; or
- (8) A criminal proceeding concerning criminal charges against a victim of domestic violence or sexual assault where the victim is charged with a crime
 - (A) Under Commonwealth statutes dealing with crimes against a person, where the crime is committed against a minor; or
 - (B) In which the physical, mental, or emotional condition of the victim is raised in defense of the victim.

Source: PL 14-9, § 6 (3310).

Commission Comment: 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.