§ 230.45 Limited immunity from prosecution.

1. This section applies where a person is the victim of or a witness to a crime (including an individual who becomes aware that another person is a victim of a crime), and has engaged or is alleged to have engaged in an act prohibited under section 230.00 or 230.03 of this article at or in reasonable proximity to the time of the crime or under circumstances reasonably related to the crime, and, in good faith but not prior to, during or subsequent to an arrest or investigation for such prohibited act, (a) reports the crime to a criminal law enforcement agency, (b) if medically necessary, seeks or receives health care services as a result of the crime, or (c) attempts to assist in the investigation or prosecution of the crime. No such victim or witness to the crime shall be charged or prosecuted for an offense under section 230.00 or 230.03 of this article which is alleged to have been committed at or in reasonable proximity to the time of the crime or under circumstances reasonably related to the crime for which the person is a victim or witness. As used in this section, "crime" shall include an act that reasonably appears to be a crime, regardless of whether it results in a conviction as a crime.

2. Where a victim or witness to a crime believes that the conditions for immunity pursuant to subdivision one of this section have been met and such victim or witness has been erroneously charged under section 230.00 or 230.03 of this article, such victim or witness may request a hearing to be conducted no later than fifteen days after the charge or charges have been filed to move the court to decide whether conditions for immunity have been met. At such hearing, the court shall be permitted to accept all legally permitted evidence, including legally permissible hearsay, in support of both parties. If, after conducting such hearing, and by clear and convincing evidence, the court determines that the conditions for immunity were met, then the charge or charges shall be dismissed. If, after conducting such hearing, the court determines that the conditions for immunity were not met, then the charges shall not be dismissed and immunity shall be denied.