

## Article - Criminal Procedure

[Previous][Next]

§11–303.

(a) This section applies to a case of abuse of a child under Title 5, Subtitle 7 of the Family Law Article or § 3-601 or § 3-602 of the Criminal Law Article.

(b) A court may order that the testimony of a child victim be taken outside the courtroom and shown in the courtroom by closed circuit television if:

(1) the court determines that testimony by the child victim in the presence of a defendant or a child respondent will result in the child victim's suffering serious emotional distress such that the child victim cannot reasonably communicate; and

(2) the testimony is taken during the proceeding.

(c) (1) In determining whether testimony by the child victim in the presence of the defendant or child respondent will result in the child victim's suffering such serious emotional distress that the child cannot reasonably communicate, the court may:

(i) observe and question the child victim inside or outside the courtroom; and

(ii) hear testimony of a parent or custodian of the child victim or other person, including a person who has dealt with the child victim in a therapeutic setting.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, each defendant or child respondent, one attorney for a defendant or child respondent, one prosecuting attorney, and one attorney for the child victim may be present when the court hears testimony on whether to allow a child victim to testify by closed circuit television.

(ii) If the court decides to observe or question the child victim in connection with the determination to allow testimony by closed circuit television:

1. the court may not allow the defendant or child respondent to be present; but

2. one attorney for each defendant or child respondent, one prosecuting attorney, and one attorney for the child victim may be present.

(d) (1) Only the following persons may be in the room with the child victim when the child victim testifies by closed circuit television:

(i) one prosecuting attorney;

- (ii) one attorney for each defendant or child respondent;
- (iii) one attorney for the child victim;
- (iv) the operators of the closed circuit television equipment; and

(v) subject to the Maryland Rules, any person whose presence, in the opinion of the court, contributes to the well-being of the child victim, including a person who has dealt with the child victim in a therapeutic setting concerning the abuse.

(2) During the child victim's testimony by closed circuit television, the court and the defendant or child respondent shall be in the courtroom.

(3) The court and the defendant or child respondent shall be allowed to communicate with the persons in the room where the child victim is testifying by any appropriate electronic method.

(4) (i) In a juvenile delinquency proceeding or criminal proceeding, only one prosecuting attorney, one attorney for each defendant or child respondent, and the court may question the child victim.

(ii) In a child in need of assistance case, only one attorney for each party and the court may question the child victim.

(e) This section does not apply if a defendant or child respondent is without counsel.

(f) This section may not be interpreted to prevent a child victim and a defendant or child respondent from being in the courtroom at the same time when the child victim is asked to identify the defendant or child respondent.

(g) This section does not allow the use of two-way closed circuit television or other procedure that would let a child victim see or hear a defendant or child respondent.

[Previous][Next]