

(A) (1) IN A CASE OF ABUSE OF A CHILD AS DEFINED IN § 5-901 OF THE FAMILY LAW ARTICLE OR ARTICLE 27, § 35A OF THE CODE, A COURT MAY ORDER THAT THE TESTIMONY OF A CHILD VICTIM BE TAKEN OUTSIDE THE COURTROOM AND SHOWN IN THE COURTROOM BY MEANS OF CLOSED CIRCUIT TELEVISION IF:

(I) THE TESTIMONY IS TAKEN DURING THE PROCEEDING; AND

(II) THE JUDGE DETERMINES THAT TESTIMONY BY THE CHILD VICTIM IN THE COURTROOM WILL RESULT IN THE CHILD SUFFERING SERIOUS EMOTIONAL DISTRESS SUCH THAT THE CHILD CANNOT REASONABLY COMMUNICATE.

(2) ONLY THE STATE'S PROSECUTING ATTORNEY, THE ATTORNEY FOR THE DEFENDANT ~~IF THE ATTORNEY IS NOT THE DEFENDANT,~~ AND THE JUDGE MAY QUESTION THE CHILD.

(3) THE OPERATORS OF THE CLOSED CIRCUIT TELEVISION OR ~~VIDEOTAPE--EQUIPMENT~~ SHALL MAKE EVERY EFFORT TO BE UNOBTRUSIVE.

(B) (1) ONLY THE FOLLOWING PERSONS MAY BE IN THE ROOM WITH THE CHILD WHEN THE CHILD TESTIFIES BY CLOSED CIRCUIT TELEVISION:

(I) THE STATE'S PROSECUTING ATTORNEY;

(II) THE ATTORNEY FOR THE DEFENDANT, ~~IF THE ATTORNEY IS NOT THE DEFENDANT;~~

(III) THE OPERATORS OF THE CLOSED CIRCUIT TELEVISION EQUIPMENT; AND

(IV) UNLESS THE DEFENDANT OBJECTS, ANY PERSON WHOSE PRESENCE, IN THE OPINION OF THE COURT, CONTRIBUTES TO THE WELL-BEING OF THE CHILD, INCLUDING A PERSON WHO HAS DEALT WITH THE CHILD IN A THERAPEUTIC SETTING CONCERNING THE ABUSE.

(2) DURING THE CHILD'S TESTIMONY BY CLOSED CIRCUIT TELEVISION, THE JUDGE AND THE DEFENDANT SHALL BE IN THE COURTROOM.

(3) THE JUDGE AND THE DEFENDANT SHALL BE ALLOWED TO COMMUNICATE WITH THE PERSONS IN THE ROOM WHERE THE CHILD IS TESTIFYING BY ANY APPROPRIATE ELECTRONIC METHOD.

(C) THE PROVISIONS OF THIS SECTION DO NOT APPLY IF THE DEFENDANT IS AN ATTORNEY PRO SE.

(D) THIS SECTION MAY NOT BE INTERPRETED TO PRECLUDE, FOR PURPOSES OF IDENTIFICATION OF A DEFENDANT, THE PRESENCE OF BOTH THE VICTIM AND THE DEFENDANT IN THE COURTROOM AT THE SAME TIME.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed only prospectively and may not be applied or