

STATEMENT IF THE CHILD IS SUBJECT TO CROSS-EXAMINATION ABOUT THE OUT OF COURT STATEMENT AND TESTIFIES:

(I) AT THE JUDICIAL ~~PROCEEDINGS~~ CRIMINAL PROCEEDING; OR

(II) BY CLOSED CIRCUIT TELEVISION.

(2) AN OUT OF COURT STATEMENT BY A CHILD MAY COME INTO EVIDENCE TO PROVE THE TRUTH OF THE MATTER ASSERTED IN THE STATEMENT IF:

(I) THE CHILD IS UNAVAILABLE TO TESTIFY AT A JUDICIAL ~~PROCEEDING~~; THE CRIMINAL PROCEEDING DUE TO THE CHILD'S:

1. DEATH;

2. ABSENCE FROM THE JURISDICTION, FOR GOOD CAUSE SHOWN, AND THE STATE HAS BEEN UNABLE TO PROCURE THE CHILD'S PRESENCE BY SUBPOENA OR OTHER REASONABLE MEANS;

3. SERIOUS PHYSICAL DISABILITY; OR

4. INABILITY TO COMMUNICATE ABOUT THE ALLEGED OFFENSE DUE TO SERIOUS EMOTIONAL DISTRESS;

(II) THE CHILD'S STATEMENT ~~---~~

~~1. POSSESSES PARTICULARIZED GUARANTEES OF TRUSTWORTHINESS; AND~~

~~2. IS NOT ADMISSIBLE UNDER ANY OTHER HEARSAY EXCEPTION; AND~~

(III) THERE IS CORROBORATIVE EVIDENCE ~~OF THE ALLEGED OFFENSE.~~

(3) IN ORDER TO PROVIDE THE DEFENDANT WITH AN OPPORTUNITY TO PREPARE A RESPONSE TO THE STATEMENT, THE PROSECUTOR SHALL GIVE TO THE DEFENDANT AND THE DEFENDANT'S ATTORNEY, AT LEAST ~~10-DAYS-BEFORE-THE-JUDICIAL-PROCEEDING TRIAL~~ 20 DAYS BEFORE THE CRIMINAL PROCEEDING IN WHICH THE STATEMENT IS TO BE OFFERED INTO EVIDENCE, NOTICE OF:

(I) THE PROSECUTION'S INTENTION TO INTRODUCE THE STATEMENT; AND

(II) THE CONTENT OF THE STATEMENT.

(4) (I) THE DEFENDANT SHALL HAVE THE RIGHT TO TAKE THE DEPOSITION OF A WITNESS WHO WILL TESTIFY UNDER THIS SECTION;