

(12) THE CREDIBILITY OF THE PERSON TESTIFYING ABOUT THE STATEMENT.

~~(D)~~ (E) THE COURT, IN ACCORDANCE--WITH--PROCEDURES--FOR DETERMINING WHETHER ANY A STATEMENT IS ADMISSIBLE UNDER AN EXCEPTION-TO-THE-HEARSAY-RULE THIS SECTION, SHALL, IN A HEARING OUTSIDE THE PRESENCE OF THE JURY, SHALL:

(1) MAKE A FINDING ON THE RECORD AS TO THE SPECIFIC GUARANTEES OF TRUSTWORTHINESS THAT ARE PRESENT IN THE STATEMENT; AND

(2) DETERMINE THE ADMISSIBILITY OF THE STATEMENT.

(F) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE ADMISSIBILITY OF A STATEMENT UNDER ANY OTHER APPLICABLE HEARSAY EXCEPTION OR RULE OF EVIDENCE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed only prospectively and may not be applied or interpreted to have any effect upon or application to any case filed prior to the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1988.

Approved May 27, 1988.

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CHAPTER 549

(House Bill 1018)

AN ACT concerning

Child Abuse and Other Crimes - Admission of the Out of Court Statement of a Child

FOR the purpose of authorizing a court to admit into evidence at ~~judicial proceedings under certain circumstances certain out of court statements of child victims under a certain age concerning the alleged offense against the child~~ at criminal proceedings certain out of court statements by certain child victims under specific circumstances; providing for certain discovery procedures under certain circumstances; defining a term; describing the circumstances under which a child's out of court statement may come into evidence; requiring the court to make a certain finding and to determine the admissibility of a certain statement in accordance with