

(F) (1) IN MAKING A DETERMINATION UNDER SUBSECTION (E) OF THIS SECTION, THE COURT SHALL CONDUCT AN IN CAMERA EXAMINATION OF A CHILD PRIOR TO DETERMINING THE ADMISSIBILITY OF THE STATEMENT, EXCEPT WHERE THE CHILD:

(I) HAS DIED; OR

(II) IS ABSENT FROM THE JURISDICTION FOR GOOD CAUSE SHOWN OR THE STATE HAS BEEN UNABLE TO PROCURE THE CHILD'S PRESENCE BY SUBPOENA OR OTHER REASONABLE MEANS.

(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II)2 OF THIS PARAGRAPH, ANY DEFENDANT, ANY DEFENDANT'S ATTORNEY, AND THE PROSECUTOR SHALL HAVE THE RIGHT TO BE PRESENT WHEN THE COURT HEARS TESTIMONY ON WHETHER TO ADMIT INTO EVIDENCE AN OUT OF COURT STATEMENT OF A CHILD UNDER THIS SECTION.

(II) IF THE COURT IS REQUIRED TO OBSERVE OR QUESTION THE CHILD IN CONNECTION WITH THE DETERMINATION TO ADMIT INTO EVIDENCE THE OUT OF COURT STATEMENT:

1. ANY DEFENDANT'S ATTORNEY AND THE PROSECUTOR SHALL HAVE THE RIGHT TO BE PRESENT AT THE IN CAMERA EXAMINATION; AND

2. THE JUDGE MAY NOT PERMIT A DEFENDANT TO BE PRESENT AT THE IN CAMERA EXAMINATION.

~~(F)~~ (G) (1) This section may not be construed to limit the admissibility of a statement under any other applicable hearsay exception or rule of evidence.

(2) This section may not be construed to prohibit the court in a [CINA] JUVENILE COURT proceeding from hearing testimony in the judge's chambers.

SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1994.

May 26, 1994

The Honorable Casper R. Taylor, Jr.
Speaker of the House of Delegates
State House
Annapolis, Maryland 21401

Dear Mr. Speaker: