

There are no changes.

774. TESTIMONY OF CHILD ABUSE VICTIM BY CLOSED CIRCUIT TELEVISION.

(a) In a case of abuse of a child as defined in § 5-701 of the Family Law Article or [Article 27, § 35A of the Code] § 35C OF THIS ARTICLE, 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:

(1) The testimony is taken during the proceeding; and

(2) The judge determines that testimony by the child victim in the defendant's presence will result in the child suffering serious emotional distress such that the child cannot reasonably communicate.

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

(i) The prosecuting attorney;

(ii) The attorney for the defendant;

(iii) The operators of the closed circuit television equipment; and

(iv) [Unless the defendant objects] SUBJECT TO THE MARYLAND RULES, 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.

(4) Only the prosecuting attorney, the attorney for any defendant, and the judge may question the child.

(c) (1) In determining whether testimony by the child victim in the defendant's presence will result in the child suffering serious emotional distress such that the child cannot reasonably communicate, the judge may observe and question the child either inside or outside the courtroom and hear testimony of a parent or custodian of the child or any other person, including a person who has dealt with the child in a therapeutic setting.

(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 judge hears testimony on whether to allow a child victim to testify by closed circuit television.

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