

The reference to a "court" is substituted for the former reference to a "judge" to conform to the terminology used throughout this article.

11-302. PRESENCE OF VICTIM OR REPRESENTATIVE AT TRIAL.

(A) DEFINITIONS.

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "REPRESENTATIVE" MEANS A PERSON WHO IS DESIGNATED BY:

(I) THE NEXT OF KIN OR GUARDIAN OF A VICTIM WHO IS DECEASED OR DISABLED; OR

(II) THE COURT IN A DISPUTE OVER WHO WILL BE THE REPRESENTATIVE.

(3) "VICTIM" MEANS A PERSON WHO IS THE VICTIM OF A CRIME OR DELINQUENT ACT.

(B) SCOPE OF SECTION.

THIS SECTION APPLIES TO:

(1) A CRIMINAL TRIAL; AND

(2) A JUVENILE DELINQUENCY ADJUDICATORY HEARING THAT IS HELD IN OPEN COURT OR THAT A VICTIM OR REPRESENTATIVE MAY ATTEND UNDER § 3-812 OF THE COURTS ARTICLE.

(C) RIGHT TO BE PRESENT.

EXCEPT AS PROVIDED IN SUBSECTIONS (D) AND (E) OF THIS SECTION:

(1) A REPRESENTATIVE HAS THE RIGHT TO BE PRESENT AT THE TRIAL OF THE DEFENDANT OR JUVENILE DELINQUENCY ADJUDICATORY HEARING OF THE CHILD RESPONDENT; AND

(2) AFTER INITIALLY TESTIFYING, A VICTIM HAS THE RIGHT TO BE PRESENT AT THE TRIAL OF THE DEFENDANT OR JUVENILE DELINQUENCY ADJUDICATORY HEARING OF THE CHILD RESPONDENT.

(D) SEQUESTRATION OF REPRESENTATIVE OR VICTIM.

THE COURT MAY SEQUESTER A REPRESENTATIVE OR, AFTER A VICTIM HAS INITIALLY TESTIFIED, THE VICTIM FROM ANY PART OF THE TRIAL OR JUVENILE DELINQUENCY ADJUDICATORY HEARING ON REQUEST OF THE DEFENDANT, CHILD RESPONDENT, OR THE STATE ONLY AFTER THE COURT DETERMINES, WITH SPECIFIC FINDINGS OF FACT ON THE RECORD, THAT:

(1) THERE IS REASON TO BELIEVE THAT THE VICTIM WILL BE RECALLED OR THE REPRESENTATIVE WILL BE CALLED TO TESTIFY AT THE TRIAL OR JUVENILE DELINQUENCY ADJUDICATORY HEARING; AND