

former reference to "judge" to conform to the terminology used throughout this title.

As for the addition of the reference to "child respondent" in subsections (c), (d), (e), and (f) of this section, *see* General Revisor's Note to title.

In subsections (d) and (f) of this section, the references to a child "victim" are added for clarity.

In subsection (d)(4)(i) of this section, the reference to a juvenile delinquency "proceeding or criminal proceeding" is substituted for the former reference to "criminal or juvenile delinquency case" for consistency throughout this subtitle.

In subsection (e) of this section, the reference to a defendant or child respondent who "is without counsel" is substituted for the former reference to a defendant "appearing pro se" for clarity.

The Criminal Procedure Article Review Committee notes, for consideration by the General Assembly, that subsection (g) of this section is revised to protect a child victim from seeing or hearing a defendant or child respondent.

Defined terms: "Child respondent" § 11-101

"Person" § 1-101

"Prosecuting attorney" § 11-101

11-304. OUT OF COURT STATEMENTS OF CERTAIN CHILD VICTIMS.

(A) "STATEMENT" DEFINED.

IN THIS SECTION, "STATEMENT" MEANS:

- (1) AN ORAL OR WRITTEN ASSERTION; OR
- (2) NONVERBAL CONDUCT INTENDED AS AN ASSERTION, INCLUDING SOUNDS, GESTURES, DEMONSTRATIONS, DRAWINGS, AND SIMILAR ACTIONS.

(B) ADMISSIBILITY.

SUBJECT TO SUBSECTIONS (C), (D), AND (E) OF THIS SECTION, THE COURT MAY ADMIT INTO EVIDENCE IN A JUVENILE COURT PROCEEDING OR IN A CRIMINAL PROCEEDING AN OUT OF COURT STATEMENT TO PROVE THE TRUTH OF THE MATTER ASSERTED IN THE STATEMENT MADE BY A CHILD VICTIM WHO:

- (1) IS UNDER THE AGE OF 12 YEARS; AND
- (2) IS THE ALLEGED VICTIM OR THE CHILD ALLEGED TO NEED ASSISTANCE IN THE CASE BEFORE THE COURT CONCERNING:
 - (I) CHILD ABUSE UNDER ARTICLE 27, § 35C OF THE CODE;
 - (II) RAPE OR SEXUAL OFFENSE UNDER ARTICLE 27, §§ 462 THROUGH 464B OF THE CODE;