

(III) ATTEMPTED RAPE OR ATTEMPTED SEXUAL OFFENSE IN THE FIRST DEGREE OR IN THE SECOND DEGREE UNDER ARTICLE 27, § 464F OF THE CODE; OR

(IV) IN A JUVENILE COURT PROCEEDING, ABUSE OR NEGLECT AS DEFINED IN § 5-701 OF THE FAMILY LAW ARTICLE.

(C) RECIPIENTS AND OFFERORS OF STATEMENT.

AN OUT OF COURT STATEMENT MAY BE ADMISSIBLE UNDER THIS SECTION ONLY IF THE STATEMENT WAS MADE TO AND IS OFFERED BY A PERSON ACTING LAWFULLY IN THE COURSE OF THE PERSON'S PROFESSION WHEN THE STATEMENT WAS MADE WHO IS:

- (1) A PHYSICIAN;
- (2) A PSYCHOLOGIST;
- (3) A NURSE;
- (4) A SOCIAL WORKER; OR
- (5) A PRINCIPAL, VICE PRINCIPAL, TEACHER, OR SCHOOL COUNSELOR AT A PUBLIC OR PRIVATE PRESCHOOL, ELEMENTARY SCHOOL, OR SECONDARY SCHOOL.

(D) CONDITIONS PRECEDENT.

(1) UNDER THIS SECTION, AN OUT OF COURT STATEMENT BY A CHILD VICTIM MAY COME INTO EVIDENCE TO PROVE THE TRUTH OF THE MATTER ASSERTED IN THE STATEMENT:

(I) IF THE STATEMENT IS NOT ADMISSIBLE UNDER ANY OTHER HEARSAY EXCEPTION; AND

(II) REGARDLESS OF WHETHER THE CHILD VICTIM TESTIFIES.

(2) IF THE CHILD VICTIM DOES NOT TESTIFY, THE CHILD VICTIM'S OUT OF COURT STATEMENT WILL BE ADMISSIBLE ONLY IF THERE IS CORROBORATIVE EVIDENCE THAT:

(I) THE DEFENDANT HAD THE OPPORTUNITY TO COMMIT THE ALLEGED CRIME; OR

(II) THE CHILD RESPONDENT HAD THE OPPORTUNITY TO COMMIT THE ALLEGED ABUSE OR NEGLECT.

(3) TO PROVIDE THE DEFENDANT OR CHILD RESPONDENT WITH AN OPPORTUNITY TO PREPARE A RESPONSE TO THE STATEMENT, THE PROSECUTING ATTORNEY SHALL SERVE ON THE DEFENDANT OR CHILD RESPONDENT AND THE ATTORNEY FOR THE DEFENDANT OR CHILD RESPONDENT, WITHIN A REASONABLE TIME BEFORE THE JUVENILE COURT PROCEEDING AND AT LEAST 20 DAYS BEFORE THE CRIMINAL PROCEEDING IN WHICH THE STATEMENT IS TO BE OFFERED INTO EVIDENCE, NOTICE OF: