

Occurred: Ch. 10, Acts of 2001.

5-202.

(e) (1) A District Court commissioner may not authorize the pretrial release of a defendant charged with violating:

(i) the provisions of [an ex parte] A TEMPORARY PROTECTIVE order described in § 4-505(a)(2)(i) of the Family Law Article or the provisions of a protective order described in § 4-506(d)(1) of the Family Law Article that order the defendant to refrain from abusing or threatening to abuse a person eligible for relief; or

DRAFTER'S NOTE:

Error: Obsolete reference in § 5-202(a)(1)(i) of the Criminal Procedure Article.

Occurred: As a result of Ch. 235, Acts of 2002, which took effect on the taking effect of Ch. 587, Acts of 2002, a Constitutional Amendment (ratified by voters Nov. 5, 2002; election results certified Dec. 10, 2002).

11-304.

(d) (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 OR THE ALLEGED OFFENDER had the opportunity to commit the alleged abuse or neglect.

(3) To provide the defendant [or], child respondent, OR ALLEGED OFFENDER with an opportunity to prepare a response to the statement, the prosecuting attorney shall serve on the defendant [or], child respondent, OR ALLEGED OFFENDER and the attorney for the defendant [or], child respondent, OR ALLEGED OFFENDER 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:

(i) the State's intention to introduce the statement; and

(ii) the content of the statement.

(4) (i) The defendant [or], child respondent, OR ALLEGED OFFENDER may depose a witness who will testify under this section.

(ii) Unless the State and the defendant [or], child respondent, OR ALLEGED OFFENDER agree or the court orders otherwise, the defendant [or], child respondent, OR ALLEGED OFFENDER shall file a notice of deposition:

1. in a criminal proceeding, at least 5 days before the date of the deposition; or