

(2) JUVENILE DELINQUENCY ADJUDICATORY HEARING WHICH IS CONDUCTED IN OPEN COURT OR WHICH A VICTIM OR REPRESENTATIVE IS ENTITLED TO ATTEND UNDER § 3-812 OF THE COURTS ARTICLE.

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

(1) A [victim or] representative shall be presumed to have the right to be present at the trial OR JUVENILE DELINQUENCY ADJUDICATORY HEARING OF THE DEFENDANT; AND

(2) AFTER THE VICTIM HAS INITIALLY TESTIFIED AT THE TRIAL OR JUVENILE DELINQUENCY ADJUDICATORY HEARING, THE VICTIM SHALL HAVE THE RIGHT TO BE PRESENT AT THE TRIAL OR JUVENILE DELINQUENCY ADJUDICATORY HEARING OF THE DEFENDANT; AND

[(c)] (2) (D) The judge may sequester a [victim AFTER THE VICTIM HAS INITIALLY TESTIFIED or] representative A REPRESENTATIVE from any part of the trial OR JUVENILE DELINQUENCY ADJUDICATORY HEARING at the request of the defendant or the State only after a finding DETERMINATION BY THE COURT, WITH SPECIFIC FINDINGS OF FACT ON THE RECORD [of good cause] THAT THE DEFENDANT WOULD BE DENIED A FAIR TRIAL:

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

(2) THE PRESENCE OF THE VICTIM OR REPRESENTATIVE WOULD INFLUENCE THE VICTIM OR REPRESENTATIVE'S FUTURE TESTIMONY AT THE TRIAL OR ADJUDICATORY HEARING IN A MANNER THAT WOULD MATERIALLY AFFECT THE DEFENDANT'S RIGHT TO A FAIR TRIAL OR ADJUDICATORY HEARING.

(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AFTER THE VICTIM OR REPRESENTATIVE HAS TESTIFIED, THE COURT MAY NOT SEQUESTER A VICTIM OR REPRESENTATIVE FROM THE TRIAL.

(d) (E) A judge may remove a victim or representative from the trial OR JUVENILE DELINQUENCY ADJUDICATORY HEARING for the same causes and in the same manner as the laws or rules of court provide for the exclusion or removal of the defendant.

(F) NOTHING IN THIS SECTION MAY BE CONSTRUED TO LIMIT A VICTIM'S OR REPRESENTATIVE'S RIGHT TO ATTEND A TRIAL OR A JUVENILE DELINQUENCY ADJUDICATORY HEARING AS PROVIDED BY § 3-812 OF THE COURTS ARTICLE OR § 857 OF THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1998.

Approved May 12, 1998.