

(i) The defendant in a criminal proceeding had the opportunity to commit the alleged offense; or

(ii) The alleged offender in a juvenile court proceeding had the opportunity to commit the alleged abuse or neglect.

(3) In order to provide the defendant with an opportunity to prepare a response to the statement, the prosecutor shall serve on the defendant in a criminal proceeding or on the alleged offender in a juvenile court proceeding and the alleged offender's attorney, 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 alleged offender shall have the right to take the deposition of a witness who will testify under this section;

(ii) Unless the State and the defendant or respondent agree, or the court orders otherwise, the defendant in a criminal proceeding shall file a notice of deposition at least 5 days before, or in a juvenile court proceeding within a reasonable time before, the date of the deposition; and

(iii) Except where inconsistent with this paragraph, the provisions of Maryland Rule 4-261 shall apply to a deposition taken under this paragraph.

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

Approved May 21, 1998.

CHAPTER 639

(House Bill 590)

AN ACT concerning

Child Abuse - Out of Court Statements - Nurses

FOR the purpose of allowing out of court statements concerning alleged offenses against a child victim under a certain age to be admitted in certain court proceedings if the statements were made to and are offered by a nurse; repealing a requirement that the out of court statements be made to and be offered by certain individuals who possess certain occupational licenses; authorizing certain individuals to offer the out of court statements if the individuals were lawfully acting in the course of their professions when the statements were made; and generally relating to the use of out of court statements concerning certain alleged offenses in court proceedings.