



SPONSOR: Sen. Peterson & Rep. Bennett
Sens. Blevins, Cloutier, Hall-Long, Henry, Poore; Reps.
Baumbach, Bolden, Briggs King, Heffernan, Hudson,
Keeley, Kowalko, Longhurst, Osienski, Paradee, K.
Williams

DELAWARE STATE SENATE
148th GENERAL ASSEMBLY

SENATE BILL NO. 51

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO WITNESSES AND EVIDENCE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 3514, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3514. Testimony of victim or witness ~~in child abuse case~~ by means of closed circuit television.

(a)(1) In any prosecution involving any offense set forth in § 3513(a) of this title, a court may order that the testimony of a ~~child~~ victim or witness ~~less than 11 years of age~~ be taken outside the courtroom and shown in the courtroom by means of closed circuit television if:

a. The testimony is taken during the proceeding; and

b. The judge determines that testimony by the ~~child~~ victim or witness in the courtroom will result in the ~~child~~ victim or witness suffering serious emotional distress such that the ~~child~~ victim or witness cannot reasonably communicate.

(2) Only the prosecuting attorney, the attorney for the defendant, and the judge may question the ~~child~~ victim or witness.

(3) The operators of the closed circuit television shall make every effort to be unobtrusive.

(b)(1) Only the following persons may be in the room with the ~~child~~ victim or witness when the victim or witness testifies by closed circuit television:

a. The prosecuting attorney;

b. The attorney for the defendant;

c. The operators of the closed circuit television equipment; and

d. Any person whose presence, in the opinion of the court, contributes to the well-being of the ~~child~~ victim or witness, including a person who has dealt with the ~~child~~ victim or witness in a therapeutic setting concerning the abuse.

- 22 (2) During the ~~child's~~ victim's or witness's testimony by closed circuit television, the judge and the
23 defendant shall be in the courtroom.
- 24 (3) The judge and the defendant shall be allowed to communicate with the persons in the room where the
25 ~~child~~ victim or witness is testifying by any appropriate electronic method.
- 26 (c) The provisions of this section do not apply if the defendant is an attorney pro se.
- 27 (d) This section may not be interpreted to preclude, for purposes of identification of a defendant, the presence of
28 both the victim and the defendant in the courtroom at the same time.

SYNOPSIS

This bill expands the definition of a person eligible to testify remotely by means of closed circuit television. In any prosecution involving an offense set forth in 11 *Del. C.* § 3513(a), a court may order that the testimony of a victim or witness, regardless of age, be taken outside of the presence of a jury by means of closed circuit television.

Author: Senator Peterson