



SPONSOR: Sen. Peterson

DELAWARE STATE SENATE  
148th GENERAL ASSEMBLY

SENATE AMENDMENT NO. 1

TO

SENATE BILL NO. 51

AMEND Senate Bill No. 51 by deleting lines 3 through 28 and substituting in lieu thereof the following:

“§ 3514. Testimony of victim or witness in child abuse case, and victim of domestic violence, sexual assault or stalking cases by means of ~~closed circuit television~~ secured video connection.

(a)(1) In any prosecution involving any offense set forth in § 3513(a) of this title, domestic violence as defined in § 1041 of Title 10, and §§ 768 thru 778 and § 1312 of Title 11 a court may order that the testimony of a ~~child-victim or witness less than 11 years of age~~ witness less than 11 years of age or any victim of the offenses described herein be taken outside the courtroom and shown in the courtroom by means of ~~closed circuit television~~ secured video connection if:

a. The testimony is taken during the proceeding; and

b. The judge determines that testimony by the ~~child-victim or witness~~ witness less than 11 years of age or any victim of the offenses described herein in the courtroom will result in the ~~child-victim or witness~~ witness less than 11 years of age or any victim of the offenses described herein suffering serious emotional distress such that the ~~child-victim or witness~~ witness less than 11 years of age or any victim of the offenses described herein 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~~ secured video connection 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 ~~child~~ witness less than 11 years of age or any victim of the offenses described herein testifies by closed circuit television:

a. The prosecuting attorney;

b. The attorney for the defendant;

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

23 d. Any person whose presence, in the opinion of the court, contributes to the well-being of the ~~child~~  
24 ~~victim or witness~~ witness less than 11 years of age or any victim of the offenses described herein, including a  
25 person who has dealt with the ~~child victim or witness~~ witness less than 11 years of age or any victim of the  
26 offenses described herein in a therapeutic setting concerning the abuse.

27 (2) During the ~~child's victim's or witness's~~ witness or victim's testimony by ~~closed circuit television~~ secured video  
28 connection, the judge and the defendant shall be in the courtroom.

29 (3) The judge and the defendant shall be allowed to communicate with the persons in the room where the ~~child~~  
30 ~~victim or witness~~ witness less than 11 years of age or any victim of the offenses described herein is testifying by any  
31 appropriate electronic method.

32 (c) The provisions of this section do not apply if the defendant is an attorney pro se.

33 (d) This section may not be interpreted to preclude, for purposes of identification of a defendant, the presence of  
34 both the victim and the defendant in the courtroom at the same time.”

35 (e) The proponent of the statement must inform the adverse party of the proponent's intention to offer the  
36 statement and the content of the statement sufficiently in advance of the proceeding to provide the adverse party with fair  
37 opportunity to prepare a response to the statement before the proceeding at which it is offered

#### 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 child victim or witness under the age of 11 be taken outside of the presence of a jury by means of closed circuit television. This bill allows similar treatment for victims of stalking and sexual assault. The conditions maintaining the right to cross examination and defendant identification remain.

Author: Senator Peterson