

HOUSE BILL 1205

E2
HB 1528/14 – JUD

5lr2701

By: **Delegate Anderson (By Request – Office of the State’s Attorney for Baltimore City)**

Introduced and read first time: February 25, 2015

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Sexual Offenses – Evidence of Defendant’s Past Conduct**

3 FOR the purpose of authorizing evidence of a defendant’s past sex crime or past sex abuse
4 of a minor to be admitted in certain prosecutions; requiring a prosecutor who intends
5 to offer certain evidence to disclose the evidence to the defendant at least a certain
6 period of time before trial; authorizing a prosecutor to satisfy a certain disclosure
7 requirement in a certain manner under certain circumstances; establishing that this
8 Act does not limit the admission or consideration of evidence under any rule or other
9 provision of law; defining certain terms; and generally relating to evidence of a
10 defendant’s past conduct in sexual offenses prosecutions.

11 BY adding to

12 Article – Criminal Law

13 Section 3–319.1

14 Annotated Code of Maryland

15 (2012 Replacement Volume and 2014 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

17 That the Laws of Maryland read as follows:

18 **Article – Criminal Law**

19 **3–319.1.**

20 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
21 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) “EVIDENCE OF A DEFENDANT’S PAST SEX ABUSE OF A MINOR”**
2 **MEANS EVIDENCE THAT THE DEFENDANT HAS COMMITTED SEXUAL ABUSE OF A**
3 **MINOR UNDER § 3-602 OF THIS TITLE.**

4 **(3) “EVIDENCE OF A DEFENDANT’S PAST SEX CRIME” MEANS**
5 **EVIDENCE THAT THE DEFENDANT HAS COMMITTED:**

6 **(I) A CRIME SPECIFIED UNDER THIS SUBTITLE; OR**

7 **(II) SEXUAL ABUSE OF A VULNERABLE ADULT UNDER §**
8 **3-604 OF THIS TITLE.**

9 **(B) (1) EVIDENCE OF A DEFENDANT’S PAST SEX CRIME MAY BE ADMITTED**
10 **IN A PROSECUTION FOR:**

11 **(I) A CRIME SPECIFIED UNDER THIS SUBTITLE OR A LESSER**
12 **INCLUDED CRIME; OR**

13 **(II) SEXUAL ABUSE OF A VULNERABLE ADULT UNDER §**
14 **3-604 OF THIS TITLE OR A LESSER INCLUDED CRIME.**

15 **(2) EVIDENCE OF A DEFENDANT’S PAST SEX ABUSE OF A MINOR MAY**
16 **BE ADMITTED IN A PROSECUTION FOR SEXUAL ABUSE OF A MINOR UNDER § 3-602**
17 **OF THIS TITLE OR A LESSER INCLUDED CRIME.**

18 **(C) IF A PROSECUTOR INTENDS TO OFFER EVIDENCE UNDER THIS SECTION,**
19 **THE PROSECUTOR SHALL DISCLOSE THE EVIDENCE TO THE DEFENDANT AT LEAST**
20 **15 DAYS BEFORE TRIAL OR LATER IF AUTHORIZED BY THE COURT FOR GOOD CAUSE**
21 **SHOWN.**

22 **(D) A PROSECUTOR MAY SATISFY THE REQUIREMENT UNDER SUBSECTION**
23 **(C) OF THIS SECTION, AS IT APPLIES TO WITNESS TESTIMONY, BY DISCLOSING TO**
24 **THE DEFENDANT WITNESS STATEMENTS OR A SUMMARY OF THE EXPECTED**
25 **TESTIMONY.**

26 **(E) THIS SECTION DOES NOT LIMIT THE ADMISSION OR CONSIDERATION OF**
27 **EVIDENCE UNDER ANY RULE OR OTHER PROVISION OF LAW.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2015.