

Chapter 531

(House Bill 237)

AN ACT concerning

Courts – Prohibition Against Testimony by Convicted Perjurer – Repeal

FOR the purpose of repealing a certain prohibition on a person convicted of perjury from testifying in a proceeding; providing that evidence that a witness has been convicted of perjury shall be admitted for the purpose of attacking the credibility of the witness, regardless of the date of the conviction, under certain circumstances; making stylistic changes; and generally relating to testimony by a convicted perjurer.

BY repealing

Article – Courts and Judicial Proceedings

Section 9–104

Annotated Code of Maryland

(2013 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,Article – Courts and Judicial ProceedingsSection 10–905Annotated Code of Maryland(2013 Replacement Volume and 2015 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings[9–104.

A person convicted of perjury may not testify.]

10–905.

(a) **(1)** Evidence is admissible to prove the interest of a witness in any proceeding, or the fact of [his] THE WITNESS’S conviction of an infamous crime.

(2) Evidence of conviction is not admissible if an appeal is pending, or the time for an appeal has not expired, or the conviction has been reversed, and there has been no retrial or reconviction.

(b) The certificate, under the seal of the clerk of the court, of the court in which the conviction occurred is sufficient evidence of the conviction.

(C) EVIDENCE THAT A WITNESS HAS BEEN CONVICTED OF PERJURY SHALL BE ADMITTED FOR THE PURPOSE OF ATTACKING THE CREDIBILITY OF THE WITNESS, REGARDLESS OF THE DATE OF THE CONVICTION, IF THE EVIDENCE IS ELICITED FROM THE WITNESS OR ESTABLISHED BY PUBLIC RECORD DURING EXAMINATION OF THE WITNESS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 19, 2016.