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Judicial Proceedings Committee



THE SENATE OF MARYLAND  
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February 14, 2023

Senate Judicial Proceedings Committee  
The Honorable William C. Smith, Jr.  
2 East Miller Senate Building  
Annapolis, Maryland 21401

**Re: Senate Bill – 236 - Evidence - Witness Credibility - Forgery Conviction**

Dear Chairman Smith and Members of the Committee,

Senate Bill 236 deals with when the fact that a witness has been convicted of a crime can be used to impeach the credibility of the witness. Maryland Rule 5-609 provides that the crime must either be an infamous crime or other crime that is relevant to the witness's credibility. Further, evidence of a conviction is not admissible under Rule 5-609 if a period of more than 15 years has elapsed since the date of the conviction, except as to a conviction for perjury for which no time limit applies.

Section 10-905 of the Courts and Judicial Proceedings Article is the statutory predicate to Rule 5-609. It states that evidence that a witness has been convicted of perjury shall be admitted for the purpose of attacking the credibility of a witness regardless of the date of the conviction. Thus, the rule in Maryland is that evidence that the witness cannot be believed due to a perjury conviction is always relevant.

Senate Bill 236 is very simple. It adds the offense of forgery to the offense of perjury as being always available to attack the credibility of a witness, without a time limitation. Someone who has been convicted for forging a check or other instrument suffers from credibility problems just as much as a person who has been convicted of committing perjury. So Senate Bill 236 is another safeguard to the integrity of the court, acting as an additional filter to catch false testimony.

I appreciate the Committee's consideration of Senate Bill 236 and will be happy to answer any questions the Committee may have.