
By: Delegate Krysiak

Introduced and read first time: February 1, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Abuse - Out of Court Statements - Law Enforcement Officers**

3 FOR the purpose of permitting certain out of court statements concerning certain alleged
4 offenses against a child victim under a certain age to be admitted in certain court
5 proceedings if the statements were made to and are offered by certain law
6 enforcement officers; and generally relating to the use of out of court statements
7 concerning certain offenses in court proceedings.

8 BY repealing and reenacting, with amendments,
9 Article - Courts and Judicial Proceedings
10 Section 9-103.1(b)
11 Annotated Code of Maryland
12 (1995 Replacement Volume and 1995 Supplement)

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

15 **Article - Courts and Judicial Proceedings**

16 9-103.1.

17 (b) (1) Subject to the provisions of paragraphs (2) and (3) of this subsection, if
18 a court finds that the requirements of subsection (c) of this section are satisfied, a court
19 may admit into evidence in a juvenile court proceeding or in a criminal proceeding an out
20 of court statement, to prove the truth of the matter asserted in the statement, made by a
21 child victim under the age of 12 years, who is the alleged victim or the child alleged to
22 need assistance in the case before the court, concerning an alleged offense against the
23 child of:

24 (i) Child abuse, as defined under Article 27, § [35A] 35C of the
25 Code;

26 (ii) Rape or sexual offense, as defined in Article 27, §§ 462 through
27 464B of the Code, inclusive;

28 (iii) Assault with intent to commit rape or sexual offense, as defined in
29 Article 27, § 12 of the Code; or

2

1 (iv) In a juvenile court proceeding, abuse or neglect as defined in §
2 5-701 of the Family Law Article.

3 (2) An out of court statement may be admissible under this section only if:

4 (i) The statement was made to and is offered by:

5 1. A licensed physician, as defined under § 14-101 of the
6 Health Occupations Article;

7 2. A licensed psychologist, as defined under § 18-101 of the
8 Health Occupations Article;

9 3. A licensed social worker, as defined under § 19-101 of the
10 Health Occupations Article; [or]

11 4. A LAW ENFORCEMENT OFFICER, AS DEFINED IN ARTICLE
12 27, § 727(B) OF THE CODE; OR

13 [4.] 5. A teacher; and

14 (ii) The individual described under item (i) of this paragraph was
15 acting in the course of the individual's profession when the statement was made.

16 (3) An out of court statement may be admissible under this section only if
17 the statement possesses particularized guarantees of trustworthiness.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 1996.