

HOUSE BILL 590

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1998 Regular Session  
(8r1520)

*ENROLLED BILL*  
*-- Judiciary/Judicial Proceedings --*

Introduced by **Delegates Goldwater, Grosfeld, and ~~Krysiak~~ Krysiak, Redmer,  
T. Murphy, and Perry**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Child Abuse - Out of Court Statements - Nurses**

3 FOR the purpose of allowing out of court statements concerning alleged offenses  
4 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 a nurse; repealing  
6 a requirement that the out of court statements be made to and be offered by  
7 certain individuals who possess certain occupational licenses; authorizing  
8 certain individuals to offer the out of court statements if the individuals were  
9 lawfully acting in the course of their professions when the statements were  
10 made; and generally relating to the use of out of court statements concerning  
11 certain alleged offenses in court proceedings.

12 BY repealing and reenacting, without amendments,  
13 Article 27 - Crimes and Punishments  
14 Section 775(a) and (c)  
15 Annotated Code of Maryland

1 (1996 Replacement Volume and 1997 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article 27 - Crimes and Punishments

4 Section 775(b)

5 Annotated Code of Maryland

6 (1996 Replacement Volume and 1997 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article 27 - Crimes and Punishments**

10 775.

11 (a) In this section "statement" means:

12 (1) An oral or written assertion; or

13 (2) Nonverbal conduct, if it is intended as an assertion, including sounds,  
14 gestures, demonstrations, drawings, or similar actions.

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

22 (i) Child abuse, as defined in § 35C of this article;

23 (ii) Rape or sexual offense, as defined in §§ 462 through 464B of  
24 this article;

25 (iii) Attempted rape or attempted sexual offense in the first or  
26 second degree, as defined in § 464F of this article; or

27 (iv) In a juvenile court proceeding, abuse or neglect as defined in §  
28 5-701 of the Family Law Article.

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

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

32 1. A [licensed] physician[, as defined in § 14-101 of the  
33 Health Occupations Article];



1                   (ii)       Unless the State and the defendant or respondent agree, or the  
2 court orders otherwise, the defendant in a criminal proceeding shall file a notice of  
3 deposition at least 5 days before, or in a juvenile court proceeding within a reasonable  
4 time before, the date of the deposition; and

5                   (iii)       Except where inconsistent with this paragraph, the provisions  
6 of Maryland Rule 4-261 shall apply to a deposition taken under this paragraph.

7       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 1998.