
By: **Delegate Redmer**

Introduced and read first time: February 13, 1998

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of adding law enforcement officers to the category of persons who
4 may offer certain out of court statements made by certain child victims in
5 certain child in need of assistance proceedings or criminal proceedings under
6 certain circumstances; and generally relating to the admission of certain out of
7 court statements made by certain child victims in certain proceedings.

8 BY repealing and reenacting, with amendments,
9 Article 27 - Crimes and Punishments
10 Section 775(b)
11 Annotated Code of Maryland
12 (1996 Replacement Volume and 1997 Supplement)

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

15 **Article 27 - Crimes and Punishments**

16 775.

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

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

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

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

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
4 if:

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

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

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

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

12 4. A LAW ENFORCEMENT OFFICER; 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
17 if the statement possesses particularized guarantees of trustworthiness.

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