

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 673

(Senator Getty, *et al.*)

Judicial Proceedings

Judiciary

Courts and Judicial Proceedings - Prohibition Against Testimony by Convicted
Perjurer - Repeal

This bill repeals the prohibition on convicted perjurers testifying in court proceedings.

Fiscal Summary

State Effect: None. The bill is procedural and does not affect State finances.

Local Effect: None. The bill is procedural and does not affect local finances.

Small Business Effect: None.

Analysis

Current Law: A convicted perjurer is prohibited from testifying in a court proceeding.

Maryland Rule 5-609 provides that for the purpose of attacking the credibility of a witness, evidence that the witness has been convicted of a crime must be admitted if elicited from the witness or established by public record during examination of the witness, but only if (1) the crime was an infamous crime or other crime relevant to the witness's credibility; and (2) the court determines that the probative value of admitting this evidence outweighs the danger of unfair prejudice to the witness or the objecting party.

Additional Information

Prior Introductions: None.

Cross File: HB 926 (Delegate Krebs, *et al.*) – Judiciary.

Information Source(s): Judiciary (Administrative Office of the Courts), Office of the Public Defender, Department of Legislative Services

Fiscal Note History: First Reader - February 28, 2012

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Revised - Senate Third Reader - March 23, 2012

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