

# HOUSE BILL 1528

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4lr3310

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By: **Delegate Braveboy**

Introduced and read first time: March 3, 2014

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Sexual Offenses – Evidence of Defendant’s Past Conduct**

3 FOR the purpose of authorizing evidence of a defendant’s past sex crime or past sex  
4 abuse of a minor to be admitted in certain prosecutions; requiring a prosecutor  
5 who intends to offer certain evidence to disclose the evidence to the defendant at  
6 least a certain period of time before trial; authorizing a prosecutor to satisfy a  
7 certain disclosure requirement in a certain manner under certain  
8 circumstances; establishing that this Act does not limit the admission or  
9 consideration of evidence under any rule or other provision of law; defining  
10 certain terms; and generally relating to evidence of a defendant’s past conduct  
11 in sexual offenses prosecutions.

12 BY adding to

13 Article – Criminal Law

14 Section 3–319.1

15 Annotated Code of Maryland

16 (2012 Replacement Volume and 2013 Supplement)

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

19 **Article – Criminal Law**

20 **3–319.1.**

21 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
22 **MEANINGS INDICATED.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(2) “EVIDENCE OF A DEFENDANT’S PAST SEX ABUSE OF A MINOR”**  
2 **MEANS EVIDENCE THAT THE DEFENDANT HAS COMMITTED SEXUAL ABUSE OF A**  
3 **MINOR UNDER § 3-602 OF THIS TITLE.**

4           **(3) “EVIDENCE OF A DEFENDANT’S PAST SEX CRIME” MEANS**  
5 **EVIDENCE THAT THE DEFENDANT HAS COMMITTED:**

6                   **(I) A CRIME SPECIFIED UNDER THIS SUBTITLE; OR**

7                   **(II) SEXUAL ABUSE OF A VULNERABLE ADULT UNDER §**  
8 **3-604 OF THIS TITLE.**

9           **(B) (1) EVIDENCE OF A DEFENDANT’S PAST SEX CRIME MAY BE**  
10 **ADMITTED IN A PROSECUTION FOR:**

11                   **(I) A CRIME SPECIFIED UNDER THIS SUBTITLE OR A LESSER**  
12 **INCLUDED CRIME; OR**

13                   **(II) SEXUAL ABUSE OF A VULNERABLE ADULT UNDER §**  
14 **3-604 OF THIS TITLE OR A LESSER INCLUDED CRIME.**

15           **(2) EVIDENCE OF A DEFENDANT’S PAST SEX ABUSE OF A MINOR**  
16 **MAY BE ADMITTED IN A PROSECUTION FOR SEXUAL ABUSE OF A MINOR UNDER §**  
17 **3-602 OF THIS TITLE OR A LESSER INCLUDED CRIME.**

18           **(C) IF A PROSECUTOR INTENDS TO OFFER EVIDENCE UNDER THIS**  
19 **SECTION, THE PROSECUTOR SHALL DISCLOSE THE EVIDENCE TO THE**  
20 **DEFENDANT AT LEAST 15 DAYS BEFORE TRIAL OR LATER IF AUTHORIZED BY**  
21 **THE COURT FOR GOOD CAUSE SHOWN.**

22           **(D) A PROSECUTOR MAY SATISFY THE REQUIREMENT UNDER**  
23 **SUBSECTION (C) OF THIS SECTION, AS IT APPLIES TO WITNESS TESTIMONY, BY**  
24 **DISCLOSING TO THE DEFENDANT WITNESS STATEMENTS OR A SUMMARY OF THE**  
25 **EXPECTED TESTIMONY.**

26           **(E) THIS SECTION DOES NOT LIMIT THE ADMISSION OR CONSIDERATION**  
27 **OF EVIDENCE UNDER ANY RULE OR OTHER PROVISION OF LAW.**

28           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2014.