

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1113
Judiciary

(Delegate Davis)

Criminal Law - Pretrial Release Hearings - Hearsay Evidence

This bill establishes that, notwithstanding any other law, hearsay evidence is admissible at a hearing relating to bail or pretrial release if (1) the hearsay is relevant to the issue and (2) the underlying circumstances on which the hearsay is based and the reliability of the source of information are demonstrated.

Fiscal Summary

State Effect: The bill is procedural and is not anticipated to materially affect State finances or operations.

Local Effect: The bill is procedural and is not anticipated to materially affect local finances or operations.

Small Business Effect: None.

Analysis

Current Law: Maryland Rule 5-801 defines “hearsay” as a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted. With certain exceptions, evidentiary rules exclude hearsay from being admitted into evidence. However, the Maryland Rules of Evidence do not apply to proceedings conducted under Maryland Rule 4-216 (Pretrial Release).

Under §5-809 of the Criminal Law Article, notwithstanding any other law, at a hearing relating to *bail* or sentencing arising out of a violation or alleged violation of Title 5 of the Criminal Law Article (Controlled Dangerous Substances, Prescriptions, and Other

Substances), hearsay evidence is admissible *if* (1) the hearsay is relevant to the issue and (2) the underlying circumstances on which the hearsay is based and the reliability of the source of the information are demonstrated.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Harford and Montgomery counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Public Safety and Correctional Services; Department of Legislative Services

Fiscal Note History: First Reader - March 4, 2022
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