

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 387
Judiciary

(Delegate Bouchat)

Evidence - Witness Credibility - Forgery Conviction

This bill requires, under specified circumstances, evidence that a witness has been convicted of forgery to be admitted for the purpose of attacking the credibility of the witness.

Fiscal Summary

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

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

Small Business Effect: None.

Analysis

Bill Summary/Current Law: Under § 10-905 of the Courts and Judicial Proceedings Article, evidence is admissible to prove the interest of a witness in any proceeding, or the fact of the witness's conviction of an infamous crime (subject to limited exception). Evidence of conviction is not admissible if an appeal is pending (or the time for an appeal has not expired) or the conviction has been reversed, and there has been no retrial or reconviction.

Evidence that a witness has been convicted of perjury must be admitted for the purpose of attacking the credibility of the witness, regardless of the date of the conviction, if the evidence is elicited from the witness or established by public record during examination of

the witness. The bill expands this provision to include evidence that a witness has been convicted of forgery.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 236 (Senator West) - Judicial Proceedings.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Legislative Services

Fiscal Note History: First Reader - February 9, 2023
js/jkb

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