

SENATE BILL 274

E2

5lr1801
CF HB 293

By: **Senator Love**

Introduced and read first time: January 9, 2025

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Child Victims – Testimony in Child Abuse Cases**

3 FOR the purpose of altering a certain requirement under which a court is authorized to
4 order that the testimony of a child victim be taken outside a courtroom and shown
5 in the courtroom by closed circuit television in certain child abuse cases; and
6 generally relating to testimony of child victims.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Procedure
9 Section 11–303
10 Annotated Code of Maryland
11 (2018 Replacement Volume and 2024 Supplement)

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

14 **Article – Criminal Procedure**

15 11–303.

16 (a) **(1)** This section applies to a case of abuse of a child under Title 5, Subtitle
17 7 of the Family Law Article or § 3–601 or § 3–602 of the Criminal Law Article.

18 **(2) THIS SECTION DOES NOT APPLY IF A DEFENDANT OR CHILD**
19 **RESPONDENT IS WITHOUT COUNSEL.**

20 (b) A court may order that the testimony of a child victim be taken outside the
21 courtroom and shown in the courtroom by closed circuit television if:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) the court determines that testimony by the child victim in the presence
2 of a defendant or a child respondent will result in the child [victim's] **VICTIM** suffering
3 serious emotional distress [such that the child victim cannot reasonably communicate];
4 and

5 (2) the testimony is taken during the proceeding.

6 (c) (1) In determining whether testimony by the child victim in the presence
7 of the defendant or child respondent will result in the child [victim's] **VICTIM** suffering
8 [such] serious emotional distress [that the child cannot reasonably communicate], the
9 court may:

10 (i) observe and question the child victim inside or outside the
11 courtroom; and

12 (ii) hear testimony of a parent or custodian of the child victim or
13 other person, including a person who has dealt with the child victim in a therapeutic
14 setting.

15 (2) (i) Except as provided in subparagraph (ii) of this paragraph, each
16 defendant or child respondent, one attorney for a defendant or child respondent, one
17 prosecuting attorney, and one attorney for the child victim may be present when the court
18 hears testimony on whether to allow a child victim to testify by closed circuit television.

19 (ii) If the court decides to observe or question the child victim in
20 connection with the determination to allow testimony by closed circuit television:

21 1. the court may not allow the defendant or child respondent
22 to be present; but

23 2. one attorney for each defendant or child respondent, one
24 prosecuting attorney, and one attorney for the child victim may be present.

25 (d) (1) Only the following persons may be in the room with the child victim
26 when the child victim testifies by closed circuit television:

27 (i) one prosecuting attorney;

28 (ii) one attorney for each defendant or child respondent;

29 (iii) one attorney for the child victim;

30 (iv) the operators of the closed circuit television equipment; and

31 (v) subject to the Maryland Rules, any person whose presence, in the
32 opinion of the court, contributes to the well-being of the child victim, including a person
33 who has dealt with the child victim in a therapeutic setting concerning the abuse.

1 (2) During the child victim's testimony by closed circuit television, the
2 court and the defendant or child respondent shall be in the courtroom.

3 (3) **[The] SUBJECT TO SUBSECTION (F) OF THIS SECTION, THE** court
4 and the defendant or child respondent shall be allowed to communicate with the persons in
5 the room where the child victim is testifying by any appropriate electronic method.

6 (4) (i) In a juvenile delinquency proceeding or criminal proceeding, only
7 one prosecuting attorney, one attorney for each defendant or child respondent, and the
8 court may question the child victim.

9 (ii) In a child in need of assistance case, only one attorney for each
10 party and the court may question the child victim.

11 (e) **[This section does not apply if a defendant or child respondent is without**
12 **counsel.**

13 (f) This section may not be interpreted to prevent a child victim and a defendant
14 or child respondent from being in the courtroom at the same time when the child victim is
15 asked to identify the defendant or child respondent.

16 **[(g)] (F) [This section does not allow] UNDER THIS SECTION, A COURT MAY**
17 **NOT ORDER** the use of two-way closed circuit television or other procedure that would let
18 a child victim see or hear a defendant or child respondent.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2025.