

# SENATE BILL 274

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5lr1801  
CF HB 293

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By: ~~Senator Love~~ Senators Love, Smith, Waldstreicher, Sydnor, West, Muse, Folden, James, McKay, and Charles

Introduced and read first time: January 9, 2025

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 16, 2025

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## CHAPTER \_\_\_\_\_

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.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

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

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

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

14                       (i) observe and question the child victim inside or outside the  
15 courtroom; and

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

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

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

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

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

29          (d) (1) **IF THE CHILD VICTIM TESTIFIES BY CLOSED CIRCUIT TELEVISION,**  
30 **THE TESTIMONY SHALL BE GIVEN WITHIN THE COURTHOUSE IN A SETTING THAT THE**  
31 **COURT FINDS WILL REASONABLY MITIGATE THE LIKELIHOOD THAT THE CHILD**  
32 **VICTIM WILL SUFFER EMOTIONAL DISTRESS.**

33           **(2)** Only the following persons may be in the room with the child victim  
34 when the child victim testifies by closed circuit television:

- 1 (i) one prosecuting attorney;
- 2 (ii) one attorney for each defendant or child respondent;
- 3 (iii) one attorney for the child victim;
- 4 (iv) the operators of the closed circuit television equipment; and
- 5 (v) subject to the Maryland Rules, any person whose presence, in the  
6 opinion of the court, contributes to the well-being of the child victim, including a person  
7 who has dealt with the child victim in a therapeutic setting concerning the abuse.

8 ~~(2)~~ **(3)** During the child victim's testimony by closed circuit television,  
9 the court and the defendant or child respondent shall be in the courtroom.

10 ~~(3)~~ **(4)** **(I)** [The] **SUBJECT TO SUBSECTION (F) OF THIS SECTION,**  
11 **THE** court and the defendant or child respondent shall be allowed to communicate with the  
12 persons in the room where the child victim is testifying by any appropriate electronic  
13 method.

14 **(II)** **THE DEFENDANT OR CHILD RESPONDENT SHALL HAVE A**  
15 **MEANS OF PRIVATELY COMMUNICATING ORALLY AND IN REAL-TIME WITH THE**  
16 **ATTORNEY FOR THE DEFENDANT OR CHILD RESPONDENT WHO IS IN THE ROOM**  
17 **WHERE THE CHILD VICTIM IS TESTIFYING.**

18 ~~(4)~~ **(5)** (i) In a juvenile delinquency proceeding or criminal  
19 proceeding, only one prosecuting attorney, one attorney for each defendant or child  
20 respondent, and the court may question the child victim.

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

23 (e) [This section does not apply if a defendant or child respondent is without  
24 counsel.

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

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

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