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MAYOR

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SB 64

January 16, 2020

TO: Members of the Senate Judicial Proceedings Committee

FROM: Nicholas Blendy, Deputy Director of Government Relations

RE: Senate Bill 64 – Criminal Procedure – Evidence – Causing Unavailability of Witness

POSITION: SUPPORT

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 64.

If enacted SB 64 would alter an existing, limited exception to the hearsay rule in a criminal case involving felony drug crimes or “crimes of violence.” The BCA understands that SB 64 would change the current standard of evidence in this hearsay exception where a party wrongfully causes the unavailability of a witness from the current “clear and convincing” standard to the “by a preponderance of the evidence” standard. The BCA further understands that this standard is consistent with both the Federal Rules of Evidence and the similar rules from several states around our union.

Witness intimidation is a problem in Baltimore City.¹ The BCA recognizes that the Baltimore City State’s Attorney and her staff can only prosecute cases with evidence they are able to get admitted and presented to a factfinder at trial. Given the scope of the challenge, the BCA finds SB 64 to be a thoughtful, surgical approach to helping address getting evidence admitted where witness intimidation is proven, and one supported by the very women and men who prosecute these cases around our state. It is an important tool to add to our prosecutors’ toolbox.

We respectfully request a **favorable** report on Senate Bill 64.

¹ See, e.g., “Erasing Baltimore’s stop snitching culture,” Baltimore Sun Editorial Board, May 10, 2019, available at <https://www.baltimoresun.com/opinion/editorial/bs-ed-0510-stop-snitching-20190508-story.html> (Last accessed 1-16-2020).