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House Bill 357 – Crime - Victim and Witness Intimidation - Penalties and Procedures

House Judiciary Committee
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Keiffer Mitchell, Chief Legislative Officer, Governor's Office
Cara Sullivan, Deputy Legislative Officer, Governor's Office

House Bill 357 creates increased penalties for witness intimidation resulting in death or serious physical injury. It also expands the exception to the hearsay rule in current Maryland law to all underlying criminal cases.

Witness intimidation threatens the very heart of our system of justice. Unsuccessful prosecutions are, in many cases, impacted by the lack of witness cooperation and testimony. All too often cases fall apart and violent felons and murderers continue to walk the streets because witnesses are intimidated or are too afraid to come forward.

Under current law, Criminal Law Article §§ 9-302, 9-303, and 9-305 prohibit various forms of witness intimidation. Generally, upon conviction a person is guilty of a misdemeanor and subject to imprisonment for up to ten years. However, if the testimony is related to a controlled dangerous substance felony or crime of violence, the penalty is a felony carrying up to 20 years imprisonment.

House Bill 357 would create a new criminal offense of witness intimidation that results in death and a new offense for witness intimidation resulting in serious physical injury. The legislation proposes to classify each offense as a felony with a penalty of up to 15 years for acts of witness intimidation causing serious physical injury and up to 25 years for acts of witness intimidation resulting in death.

House Bill 357 also proposes to expand the applicability of the exception to the hearsay rule relating to witness intimidation. Currently, Courts and Judicial Proceedings Article § 10-901 provides a limited exception to the hearsay rule for witness intimidation but only in cases involving controlled dangerous substance felonies or crimes of violence. Whether or not a statement is admissible should not be based on the underlying criminal charge; it should be based on the reliability of the statement. HB 357 proposes to expand the exception to the hearsay rule to all criminal cases, including illegal gun possession and transfers, straw purchases of firearms, and second degree assault, among others.

House Bill 357 holds those who engage in witness intimidation resulting in death or serious physical injury accountable, and provides additional means for the statements of intimidated witnesses to be admitted in court, even if they cannot come to court to testify. For these reasons, the Administration respectfully requests a favorable report on House Bill 357.