



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Luke Clippinger, Chairman and
Members of the Judiciary Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 4, 2020

RE: **HB 357 – Crimes – Victim and Witness Intimidation – Penalties and
Procedures**

POSITION: SUPPORT

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) SUPPORT HB 357. This bill would toughen penalties for witness intimidation resulting in serious physical injury or death and expand the courts' ability to admit statements made by intimidated witnesses under certain circumstances to all crimes.

Witness tampering and reprisals against witnesses have been a difficulty faced by prosecutors when prosecuting criminal cases. Evidentiary rules generally exclude hearsay from being admitted into evidence except in limited circumstances. Under current law a statement is not excluded by the hearsay rule and is admissible during the criminal trial of a defendant charged with a felony violation for controlled dangerous substances or certain crimes of violence if the statement is offered against a party that has engaged in, directed, or conspired to commit wrongdoing that was intended to and did render the witness unavailable. HB 357 removes this limited exception and applies it to any criminal case.

The bill also establishes new offenses and toughens penalties for witness intimidation resulting in serious physical injury or death.

These two components working together serve as a major deterrent to witness intimidation and will serve to solve more criminal cases. For these reasons, MCPA and MSA SUPPORT HB 357 and urge a FAVORABLE Committee report.