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MAJORITY WHIP

Judicial Proceedings Committee

Joint Committee on
Cybersecurity, Information Technology,
and Biotechnology

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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 1, 2022

Judicial Proceeding Committee

**SB 20 – Favorable – Sponsor Testimony - Criminal Procedure – Out of Court
Statements – Child Victims**

Senate Bill 20 is an extension of Maryland’s existing Tender Years Doctrine. Last year, there was similar legislation that went well beyond the scope of this year’s effort. This session, we are simply asking for children under 13 to be allowed existing out of court statement procedures that they have for criminal abuse to be extending to criminal neglect, and witnessing crimes of violence. We are specifically using the 14-101 crimes of violence list to avoid the more controversial 2nd degree assault inclusion in this context, unlike last year. SB 20 also does not add vulnerable adults to the existing category, as we attempted to do last session.

Tellingly, we do not have opposition from the Office of Public Defender this session, because of the refined nature of the bill, and the existing requirements in 11-304 that protect due process, and the confrontation clause. This legislation does not eliminate the ability to confront the child witness, and does alter any provisions related to CINA proceedings, so that concern is completely moot. I trust careful review of the arguments in support and our efforts to avoid potential problems will be taken into consideration when we vote on SB20. The harm of adverse childhood experiences manifests in complex ways, which require trained professionals to conduct interviews as close to time from the event in question as possible. This bill is common sense and urgently needed for the examples you will hear from the expert witnesses to follow me, that work to protect children all across our state.

Please support this vital legislation this session, please vote for a favorable report on SB20, as amended with some very technical amendments that were missed during drafting, by merely adding “or witness” where we had “child victim” in existing code.