



MONTGOMERY COUNTY, MARYLAND
WOMEN'S DEMOCRATIC CLUB

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**House Bill 0284 Criminal Procedure – Out of Court Statements
Judiciary Committee – February 3, 2022
FAVORABLE**

Thank you for this opportunity to submit written testimony concerning an important priority of the **Montgomery County Women's Democratic Club (WDC)** for the 2022 legislative session. WDC is one of the largest and most active Democratic Clubs in our County with hundreds of politically active women and men, including many elected officials.

WDC urges the passage of HB0284, which adds additional “tender heart” hearsay exceptions to the exceptions currently codified in Section 11-304 of the Criminal Procedure Article of the Maryland Code, Annotated. The expansion of Section 11-304 proposed in HB0284 would allow the out-of-court statements of children younger than 13 who are victims of neglect or who are the victims of, or who have witnessed, certain violent crimes.

Section 11-304 recognizes that compelling a child to testify in open court and face an accuser they very likely fear can re-traumatize a child already traumatized from alleged abuse or neglect. WDC endorses the principle behind the original hearsay exception for child victims of crime and supports its expansion to cover additional experienced or witnessed events that would be traumatic or re-traumatic for a child to recount in open court. While any exception to the evidentiary exclusion of hearsay must have some assurance of reliability to balance the curtailments of a defendant's right to confront witnesses, in our view that reliability is assured by the requirement that the statement have been made to an unbiased adult in a trusted relationship to the child. WDC would oppose this legislation if it allowed the admissibility of statements made to anyone in law enforcement who would have an interest in using them in a criminal prosecution.

In summary, Maryland has already accepted the principle that children should not have to testify in open court on traumatic events, and that the reliability of their statements can be assumed if made to a trusted adult outside of law enforcement. WDC supports expanding that exception to apply to violent events a child has witnessed or of which the child is the victim.

We ask for your support for HB0284 and strongly urge a favorable Committee report.

Respectfully,

Leslie Milano
President