
BILL NO: House Bill 284
TITLE: Criminal Procedure – Out of Court Statements – Child Victims
COMMITTEE: Judiciary
HEARING DATE: February 3, 2022
POSITION: **FAVORABLE**

House Bill 284 would expand the statutory evidentiary hearsay exception for out of court statements made by children up to age 13, if certain indicia of honesty and reliability are present. The Women's Law Center supports this bill as a reasonable expansion of the existing law on children's out of court statements.

Generally, out of court statements made to prove the truth of the matter asserted are not admissible in a trial. However, there are hearsay exceptions, and HB 284 would expand an existing exception. Under current law, in what is sometimes called the "tender years" exception, a statement by a child under 13 may be admitted as an exception the hearsay rules if the child is the victim, if the child is alleged to be in need of assistance, and if the court case is about certain limited types of cases. The out of court statement made by a child victim may be admissible only if the statement was made to and is offered by specified individuals, including physicians, nurses, teachers, or social workers, while the individual was acting lawfully in the course of the person's profession. These statements are considered to have guarantees of trustworthiness and are therefore allowed in as evidence, after careful procedural considerations are followed by the court.

HB 284 would expand when certain statements can be admitted under the hearsay exception, to include (1) a statement made by a child victim who is younger than age 13 and is the alleged victim, or the child alleged to be in need of assistance in a case before the court concerning neglect of a minor and (2) a statement made by a child victim who is younger than age 13 and is the alleged victim *or a witness* in a case before the court concerning a crime of violence under § 14-101 of the Criminal Law Article. Thus, the bill expands in which crimes being prosecuted these statements would be allowed in and it expands the law to include statements by child witnesses. We have clients who are seriously abused in front of their children. We think allowing an out of court statement made by that child to one of the statutorily designated people should be allowed in under a hearsay exception. It would reduce the need for that child to have to come to court and testify about what must have been a traumatizing experience. It has the same existing indicia of reliability that is under current law, the same procedural safeguards would remain, and is a modest expansion to create laws that are trauma informed for our youngest citizens.

Therefore, the Women's Law Center of Maryland, Inc. urges a favorable report on House Bill 284.

The Women's Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women.