



VICTIM SERVICES ADVISORY BOARD

February 3, 2022

The Honorable Luke Clippinger
Chair, House Judiciary Committee
Room 101, House Office Building
Annapolis, Maryland 21401

Re: Support – HB284 – Criminal Procedure – Out of Court Statements – Child Victims

Dear Chairman Clippinger:

House Bill 284 authorizes the court to admit into evidence in certain criminal proceedings specific out of court statements made by a child currently under the age of 13 years and a victim or witness in a case concerning a crime of violence, subject to particular requirements. This bill extends the tender heart doctrine currently applied in child abuse, sexual abuse, rape and attempted rape cases to also include all crimes of violence defined in Maryland Criminal Law Code Subsection 14-101. A child would be allowed to give a statement to an adult, such as a counselor, when talking about abuse and/or witnessing a crime of violence. That statement could be used in court rather than requiring the child to testify.

The Montgomery County Victim Services Advisory Board (VSAB) advises the County Council and County Executive on assisting the needs of victims of a broad range of violent crimes, including rape, domestic violence, sexual assault, human trafficking, robbery, armed carjacking and murder. The number of violent crime cases referred to Montgomery County HHS Trauma Services increased 91% in one year when comparing 2019 and 2020 intake data. The demand for help continued to grow in 2021, and the severity of cases became more critical, with an increase in homicides, domestic violence, sexual violence, and more reports of strangulations. In 2021, the County experienced a record number of more than 27 homicides. Sadly, children are often the victims of these crimes or have witnessed these crimes.

Policy improvements to minimize the adverse psychological consequences for child witnesses must be considered. The risk of re-traumatizing or further traumatizing children by requiring them to appear in court, termed “the second injury” by counselors, should be avoided. This is particularly a concern when the violence occurs in the child’s home or is committed by an individual related to the child. The goal in these situations should be to protect the child from unnecessary stress and trauma by providing a safe place, away from perpetrators, to describe what they witnessed. HB284 is a vast improvement for protecting the rights of child victims and witnesses.

VSAB asks the committee to issue a favorable report on House Bill 284.

Sincerely,

Kathryn Pontzer
VSAB Co-Chair

Department of Health and Human Services