

Senator West - FAV - SB236.pdf

Uploaded by: Christopher West

Position: FAV

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Judicial Proceedings Committee



THE SENATE OF MARYLAND
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February 14, 2023

Senate Judicial Proceedings Committee
The Honorable William C. Smith, Jr.
2 East Miller Senate Building
Annapolis, Maryland 21401

Re: Senate Bill – 236 - Evidence - Witness Credibility - Forgery Conviction

Dear Chairman Smith and Members of the Committee,

Senate Bill 236 deals with when the fact that a witness has been convicted of a crime can be used to impeach the credibility of the witness. Maryland Rule 5-609 provides that the crime must either be an infamous crime or other crime that is relevant to the witness's credibility. Further, evidence of a conviction is not admissible under Rule 5-609 if a period of more than 15 years has elapsed since the date of the conviction, except as to a conviction for perjury for which no time limit applies.

Section 10-905 of the Courts and Judicial Proceedings Article is the statutory predicate to Rule 5-609. It states that evidence that a witness has been convicted of perjury shall be admitted for the purpose of attacking the credibility of a witness regardless of the date of the conviction. Thus, the rule in Maryland is that evidence that the witness cannot be believed due to a perjury conviction is always relevant.

Senate Bill 236 is very simple. It adds the offense of forgery to the offense of perjury as being always available to attack the credibility of a witness, without a time limitation. Someone who has been convicted for forging a check or other instrument suffers from credibility problems just as much as a person who has been convicted of committing perjury. So Senate Bill 236 is another safeguard to the integrity of the court, acting as an additional filter to catch false testimony.

I appreciate the Committee's consideration of Senate Bill 236 and will be happy to answer any questions the Committee may have.

SB 236 Evidence - Witness Credibility - Forgery Co

Uploaded by: Scott Shellenberger

Position: FAV

Bill Number: SB 236
Scott D. Shellenberger, State's Attorney for Baltimore County
Support

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN SUPPORT OF SENATE BILL 236
EVIDENCE – WITNESS CREDIBILITY – FORGERY CONVICTION

I write in support of Senate Bill 236 which would add forgery to the statute that always allows a witness to be impeached.

Maryland Rule §5-609 allows a witness to be impeached if convicted of an infamous crime. Typically, these are crimes like theft that go towards someone that is less likely to tell the truth. Under §5-609 you can only impeach a witness for a criminal conviction like that within 15 years.

Court and Judicial Proceedings §10-905 was passed to always allow the crime of perjury to be used to impeach a witness. There is not time limitation. Senate Bill 236 adds forgery to the crimes that can always be used to impeach a witness's credibility.

I urge a favorable report.