

BILL NO: Senate Bill 424
TITLE: Criminal Procedure – Admission of Out of Court Statements – Assault in the Second Degree
COMMITTEE: Judicial Proceedings
HEARING DATE: February 9, 2024
POSITION: **SUPPORT**

The Women’s Law Center of Maryland (WLC) is a non-profit legal services and advocacy organization dedicated to ensuring the physical safety, economic security, and bodily autonomy of women in Maryland. While our direct representation projects are limited to primarily survivors of domestic violence, our advocacy is in support of gender justice as a whole, because all women are entitled to access to justice, equality, and autonomy. We recognize that all the issues we fight for are interconnected. Women cannot have bodily autonomy unless they have physical safety. They cannot have physical safety without economic security. And they cannot have economic security without bodily autonomy.

The Women’s Law Center supports SB 424. Many of the clients we serve have civil and criminal matters where they are victims of second-degree assault. This bill would allow an exception to the hearsay rule by allowing a statement admissible if the statement is being offered against a party that has engaged in, or conspired to commit wrongdoing that was intended to and does procure the unavailability of the declarant.

Victims in domestic violence cases experience a variety of challenges when making decisions about testifying against their abusers. Some of those challenges are as a direct result of the abuser threatening the well being of the victim. This bill will allow the statement of an unavailable witness in evidence if a Court finds the unavailability was as result of the wrongdoing by the party opponent.

As such, The Women’s Law Center of Maryland urges a favorable report on SB 424.

The Women’s Law Center of Maryland is a non-profit legal services organization whose mission is to ensure the physical safety, economic security, and bodily autonomy of women in Maryland. Our mission is advanced through direct legal services, information and referral hotlines, and statewide advocacy.