



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: **Favorable**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to issue a favorable report on SB 424.**

Senate Bill 424 would expand an existing hearsay exception to second degree assault in a criminal trial if a defendant engaged in, directed, or conspired to commit wrongdoing that was intended to and did procure the unavailability of the declarant of the statement. A court must find by a preponderance of the evidence that the party against whom the statement is offered has engaged in specified activities that rendered the witness unavailable.

Second degree assault is commonly charged in domestic violence cases. Due to the ongoing power and control dynamics present in domestic violence, an abuser could threaten or coerce a victim into not testifying in a criminal proceeding. The law would require that a party's wrongdoing be proven by a preponderance of the evidence. Senate Bill 424 allows the victim to testify through their prior statements, statements that were made at a time they were safe and able to state what happened to them, so long as they were contemporaneously recorded, made under oath and subject to the penalties of perjury at a proceeding or in a deposition, or was written and signed by the declarant

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report on SB 424.**

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