

Bill Number: SB 424

**Madison M. Frank, Assistant State's Attorney for Baltimore County
Support**

**WRITTEN TESTIMONY OF MADISON M. FRANK, ASSISTANT STATE'S ATTORNEY FOR
BALTIMORE COUNTY, IN SUPPORT OF SENATE BILL 424, OUT-OF-COURT STATEMENTS**

In today's world, individuals charged with committing crimes dedicate an enormous amount of energy and time attempting to hijack the justice system. They do this by intimidating the victims and witnesses that the State has vowed to protect. They do this by soliciting friends and family members to encourage those victims and witnesses to not participate in the prosecution process.

That is exactly what happened in Ms. Smith and I's case. I wish I could say that our case is an outlier, but it is not, and these actions are particularly prevalent in cases that involve domestic violence.

While we believe that this law will apply to so many of our cases, it will especially impact our domestic violence cases. As a DV prosecutor, I am constantly faced with the reality that either through threats or manipulation, DV offenders continue to pull the strings, even when they are incarcerated pending trial. Many of our cases are charged with misdemeanor assault, and as the law currently stands, Defendants benefit from procuring a victim's absence simply because they are not charged with a felony.

Victims of domestic violence are faced with many challenges when a case is brought for prosecution – they often rely on the offender for financial support, share children and a home with them, and are otherwise entangled in the cycle of abuse. It is challenging enough to convince a DV victim to hold their abuser accountable, but when that abuser is able to use threats and manipulation as a means to escape prosecution, it becomes an almost impossible feat for the State to secure participation.

It defies logic to allow a Defendant to benefit from his meddling in the justice system. And in fact, this State agreed when it enacted Courts & Judicial Proceedings §10-901. Why should we limit this law to only apply to felonies, when thousands of domestic violence cases are charged with misdemeanor assault?

I ask y'all to please consider how we not only protect victims who *do* come forward and testify, but also how we protect those who are too frightened or too entrenched in the cycle to do so.

This law will allow the State to forge ahead and protect those who struggle to protect themselves and tamp down those who attempt to dismantle our justice system.

I urge you to consider a favorable report of SB 424.