



Working to end sexual violence in Maryland

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Testimony Supporting House Bill 141
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March 21, 2024

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute which provides direct legal services for survivors across the State of Maryland. We urge the Judicial Proceedings Committee to report favorably on House Bill 141.

House Bill 141 – Child Abuse Victim – Testimony Outside the Courtroom

This bill would modify Maryland's current statute, Criminal Procedure §11-303, and create a rebuttable presumption that child abuse victim-witnesses under age 13 will testify via two-way closed-circuit television. For child victim-witnesses age 13 and over, closed circuit testimony would be permitted only if testimony will result in the child victim's suffering serious emotional distress such that the child victim cannot reasonably communicate. Court interpretations of the current statute have limited the utility of the law. See, *Wildermuth v State*, 310 Md. 496 (1987)

Child abuse victims who would be protected by HB141 include victims of child sexual abuse. 28.4% of the child abuse or neglect that occurred in Maryland in 2020 was sexual abuse, meaning at least 2,059 Maryland children experienced sexual abuse.¹ This is an increase of 3.4% from 2019. It is important that Maryland continue to improve its response to these children.

Testifying in court and being subject to cross examination is inherently traumatizing for many survivors of sexual crimes, but especially for child victims of sexual abuse. These children are often ashamed, embarrassed, scared, and conflicted about their abuse. Countless cases are pled down so children can avoid being on the stand, and others are lost when children are unable to articulate what happened while sitting near their abuser. When children do testify, they are retraumatized.

Providing testimony via closed circuit TV helps reduce (but not eliminate) re-traumatization, and will increase cases where children can provide important information to juries and judges in both criminal cases and child protective services cases. The prevalence of on-line platforms and video

¹ U.S. Department of Health & Human Services, Administration for Children and Families, Administration on Children, Youth, and Families, Children's Bureau. (2020) Child maltreatment 2020. Retrieved from: <https://www.acf.hhs.gov/sites/default/files/documents/cb/cm2020.pdf>

communication has also increased factfinders' familiarity with this media and reduces past concerns about fairness.

Potential amendment: MCASA notes that the Committee may wish to consider amending the bill to include any sexual crime against a child under Title 3, Subtitle 3 of the Criminal Law Article and protect a wider group of child victims.

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Judicial Proceedings Committee to
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