

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 141
Criminal Procedure – Child Abuse Victim – Testimony Taken
Outside the Courtroom
DATE: January 18, 2024
(1/25)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 141. The bill creates a presumption that the testimony of a child victim’s testimony be given outside the courtroom and shown in the courtroom by closed-circuit television. The presumption can be rebutted only by a showing of clear and convincing evidence that testifying in the courtroom will not result in the child victim suffering severe emotional distress. The bill would also amend certain existing provisions of § 11-303 to specify that they apply to child victims who are at least 13 years old.

Although this bill is well intended, it could create operational and logistical issues within the courthouse. The space and technology requirements for outside-courtroom testimony and closed circuit television is not always feasible and it is unclear what would happen in those cases being that this bill creates a rebuttable presumption. Further, the bill provides that the presumption may be rebutted if it will not result in the child victim suffering severe emotional distress. This provision inappropriately puts the judge in the shoes of a child psychology expert or would require an additional hearing to hear from an expert. Finally, the bill’s rebuttable presumption also raises due process issues by placing an improper burden on defendants.

cc. Hon. Jesse Pippy
Judicial Council
Legislative Committee
Kelley O’Connor