

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



KELLEY O'CONNOR
ASSISTANT STATE COURT
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P: (410) 260-1560

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MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 298
Criminal Procedure – Out of Court Statements – Vulnerable Adult
Victims and Witnesses
DATE: January 23, 2025
(1/30)
POSITION: Oppose, as drafted

The Maryland Judiciary opposes Senate Bill 298, as drafted.

The Judiciary's opposition is to the provision found on page 2, lines 14 through 17, which mandates certain judiciary action. This action falls within the Judiciary's core functions and should not be mandated, but rather, more appropriately left to the discretion of the Judiciary.

This provision dictates that the court shall hold a hearing. The Judiciary would request that the word "shall" be amended to "may." A decision as to whether to hold a hearing, and the overall management of court dockets, should remain within the authority of the Judiciary. In addition, there are mechanisms in place for the court to determine a witness' competency.

The Judiciary is also concerned with the provision on page 2, line 7, which defines a "vulnerable adult" as any person who is at least 68 years of age. This would place the court in the position of determining the mental and physical fitness of every witness solely based on their age and not whether any facts exist to warrant such a determination.

cc. Hon. Jeff Waldstreicher
Judicial Council
Legislative Committee
Kelley O'Connor