MCASA
Maryland Coalition Against Sexual Assault

Working to end sexual violence in Maryland

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Testimony Supporting Senate Bill 146
Lisae C. Jordan, Executive Director & Counsel
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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 (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judicial Proceedings Committee to report favorably on Senate Bill 146.

Senate Bill 146 – Forfeiture by Wrong-Doing – 2d degree Assault
Senate Bill 146 would permit the admission of out of court statements made by victims and witnesses in 2d degree assault trials if the statement is offered against a defendant who has engaged in, directed, or conspired to commit wrongdoing that was intended to and did procure the unavailability of the victim or witness. Current law, Courts and Judicial Proceedings §10-901, allows for the admission of these statements in any criminal trial of a felony, but excludes these statements in second degree assault cases, a misdemeanor and a common charge in intimate partner violence cases, including cases involving sexual assault.

Admitting this evidence is particularly important when a defendant threatens a victim or coerces a victim witness not to testify, and that wrongdoing can be demonstrated. Senate Bill 146 would allow the victim's prior statements to be introduced and prevent the abuser from benefitting from wrongdoing.

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