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DISTRICT COURT DIVISION
301-600-2573

CHILD SUPPORT DIVISION
301-600-1538

JUVENILE DIVISION
301-600-2980

DATE: January 28, 2025

BILL NUMBER: SB 274

POSITION: Favorable

The Maryland State's Attorney's Association and the Frederick County State's Attorney's Office support SB 274.

SB 274 permits a child victim to testify outside of the courtroom via closed circuit television if it is determined by a Judge that the child victim would suffer serious emotional distress if the child was required to testify in the presence of a defendant or child respondent.

It is important to note that this statute only applies to child abuse cases where the defendant or child respondent is a parent, family member, household member, or other person who has permanent or temporary care or custody or responsibility for the supervision of a minor. In these cases, there is a significant relationship between the child victim and the defendant or child respondent.

Testifying about one of the most horrific things that has happened to you by a person you trusted can be an extremely traumatic experience. Testifying about that while looking at the person who perpetrated the abuse on you can be even more traumatizing.

As the statute is currently worded, it makes it almost impossible for a court to permit a child victim to testify via CCTV. In my five and a half years of prosecuting these cases, we have never been able to use the statute as written. We've had numerous requests from parents of victims, mental health providers of victims, and advocates of victims, to be able to allow a victim to testify via CCTV for the minor's mental health. However, as the statute is currently written, the burden is so high that even a therapist's letter or testimony that requiring the minor victim to testify in front of their abuser would cause significant trauma or mental health concerns would not meet the current requirement that "the child cannot reasonably communicate."

The proposed legislation strikes a balance between ensuring that this tool is only used in the most serious of cases, and also ensuring that we are protecting the mental health of minor victims who have to testify about horrific abuse they endured.

For these reasons, the Maryland State's Attorney's Association and the Frederick County State's Attorney's Office request a favorable report on SB 274.

A handwritten signature in black ink, appearing to read 'L.M.C.', with a long horizontal flourish extending to the right.

Lindsey M. Carpenter
Chief, Special Victims Unit
Frederick County State's Attorney's Office