

SB0146_RichardKaplowitz_FAV

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TESTIMONY ON SB#0146 - POSITION: FAVORABLE
Criminal Procedure - Admission of Out-of-Court Statements - Assault in the Second Degree

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Richard Keith Kaplowitz

My name is Richard Kaplowitz. I am a resident of District 3. I am submitting this testimony in support of/ SB#/0146, Criminal Procedure - Admission of Out-of-Court Statements - Assault in the Second Degree

This bill is a priority for the County Executive and County Council of Frederick County.

Currently, only a handful of professionals are allowed to conduct interviews with children that are admissible in court. These professions include physicians, psychologists, nurses, social workers, principals (or other school staff), counselors, and therapists. However, this leaves interviews conducted by forensic interviewers as inadmissible in court, causing the potential for children to be required to withstand the traumatic experience of testifying in an in-person courtroom.

This bill, when passed, will allow for a state code amendment that expands the list of qualified professionals to perform interviews with children that produce out of court statements admissible in court. Frederick government strongly believes that the Maryland General Assembly should pass legislation that authorizes a forensic interviewer to conduct admissible out of court interviews. By expanding the list of those qualified to conduct out of court interviews to forensic interviewers, children who enter our CAC would always have a qualified staff member to perform court admissible interviews. This would ensure that children are not forced to go through the traumatic experience of testifying in court, often in the same room as their abuser. Requiring children to testify in court extends their traumatic experience and sometimes leaves cases to go to settlement due to the child's inability to share their story in this high stress environment. The adverse effects on how these possible criminals are successfully prosecuted and made to pay for their horrid crimes should be apparent.

This is a bill to help preserve the mental health of vulnerable children who have been subject to a possible physical crime. It is incumbent upon us to protect our children.

I respectfully urge this committee to return a favorable report on SB0146.