



DEPARTMENT OF HUMAN SERVICES

Wes Moore, Governor · Aruna Miller, Lt. Governor · Rafael López, Secretary

January 30, 2025

The Honorable Will C. Smith, Jr., Chair
Senate Judicial Proceedings Committee
2 East, Miller Senate Office Building
11 Bladen Street
Annapolis, Maryland 21401

**RE: TESTIMONY ON SB 298 - CRIMINAL PROCEDURE - OUT OF COURT STATEMENTS
- VULNERABLE ADULT VICTIMS AND WITNESSES - POSITION: INFORMATIONAL
ONLY**

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee:

The Maryland Department of Human Services (DHS) thanks the Committee for the opportunity to provide information on Senate Bill 298 (SB 298).

With offices in every one of Maryland's jurisdictions, DHS empowers Marylanders to reach their full potential by providing preventative and supportive services, economic assistance, and meaningful connections to employment development and career opportunities. Our Office of Adult Services (OAS) oversees Adult Protective Services (APS) serving the adults impacted by SB 298. OAS focuses on the protection of "vulnerable adults," defined in Family Law Article § 14-101 as "an adult who lacks the physical or mental capacity to provide for the adult's daily needs." The adults we serve through OAS rely on our department to promote their safety, stability and independence. APS conducts investigations into the maltreatment of the adults we serve, many of whom are elderly or disabled.

SB 298 defines "vulnerable adult" using the APS statute or anyone 68 years old or older. As such, SB 298 provides for admitting into evidence out of court statements made by vulnerable adults to prove the truth of the matter asserted in a criminal proceeding. It is particularly important to admit out of court statements made by vulnerable adults closer to the time of the crime alleged because vulnerable adults may be less capable of recalling past events and providing reliable testimony at trial,

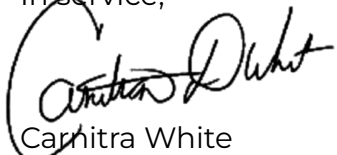
despite having recounted events in great detail previously and as part of an investigation.

Criminal proceedings can be delayed from the date of the investigation and are very often lengthy, creating challenges for recalling details when the victim is a “vulnerable adult” as defined in the bill. Adult maltreatment often goes unaddressed in the criminal context because, at the time of trial, the adult may have limited recollection of the events and be unable to provide consistent, detailed, and reliable witness testimony. The proposed change would assist prosecutors to hold adult maltreators accountable, even in situations where the adult’s capacity has declined in the period between the crime and the trial.

The bill would create an exception to the general rule against admitting hearsay evidence. The bill would strengthen legal protections for vulnerable adults by admitting out of court statements at trial while also ensuring the statements withstand an evaluation prior to entry into evidence. SB 298 could create an evaluation hearing process for assessing the appropriateness of permitting out of court statements as evidence if the statement concerns one of the following: assault or reckless endangerment, rape or sexual offenses, attempted rape, abuse or neglect of a vulnerable adult in the first or second degree, theft, identity fraud, financial crimes against a vulnerable adult, or a crime of violence. SB 298 would enable vulnerable adults to provide their most vivid recollection of events in pursuit of justice, and would mitigate any inequity caused by diminished ability to recall past events.

We appreciate the opportunity to offer information to the Committee for consideration during your deliberations. If you require additional information, please contact Rachel Sledge, Director of Government Affairs, at rachel.sledge@maryland.gov.

In service,

A handwritten signature in black ink, appearing to read "Carnitra White", written over a circular stamp or seal.

Carnitra White
Principal Deputy Secretary