



NATASHA M. DARTIGUE
PUBLIC DEFENDER

KEITH A. LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: HB 293 Criminal Procedure – Child Victims – Testimony in Child Abuse Cases

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: 2/3/2025

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on House Bill 293. This bill authorizes a child victim to testify outside of the courtroom if the court finds that testifying in the presence of the defendant or child respondent would result in the victim suffering serious emotional distress. The OPD takes issue with several points. First, the term “outside the courtroom” is open to interpretation and could include locations such as the child victim’s home or therapist’s office, locations that do not lend the air of solemnity of a courtroom setting that reinforces the seriousness of the accusations being lodged against the defendant or child respondent. Second, permitting a child victim to testify outside of the courtroom sends the message that the child has something to fear from being inside the courtroom, namely the accused. Giving the child victim the special protection of testifying outside of the courtroom immediately signals that the accused is scary or poses a danger to the child victim. Third, a child victim suffering from “serious emotional distress” is a vague term and encompasses situations that could be unrelated to the accused. While HB 293 states that a child must suffer serious emotional distress by testifying “in the presence of” the defendant, it does not limit the cause of the distress as being caused by the defendant. All hearings are in the presence of a defendant or child respondent. A child victim (indeed,

even an adult victim) is almost always likely to suffer serious emotional distress from speaking in front of an audience in a courtroom, being cross-examined by a defense attorney, or having to appear before a judge who sits on an elevated bench wearing a black robe, but it does not mean the distress is caused by the defendant or child respondent. Thus, HB 293 would potentially lead to all child victim testimony being out of the courtroom. The accused has the right to confront their accuser in open court. Only in extreme situations, where a child victim would be so seriously distressed by the presence of the defendant or child respondent to the extent that they cannot communicate, should testimony be permitted outside of the courtroom.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on House Bill 293.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.
Authored by: Nena C. Villamar, Chief of Parental Defense Division,
nenavillamar@maryland.gov, 410-458-8857.