

HON. STACY A. MAYER  
CIRCUIT COURT  
JUDGE  
BALTIMORE COUNTY  
CHAIR

HON. RICHARD SANDY  
CIRCUIT COURT  
JUDGE  
FREDERICK COUNTY  
VICE-CHAIR



KELLEY O'CONNOR  
ASSISTANT STATE COURT  
ADMINISTRATOR  
GOVERNMENT RELATIONS  
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P: (410) 260-1560

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## MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

### MEMORANDUM

**TO:** House Judiciary Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** House Bill 677  
Criminal Procedure – Out of Court Statements – Vulnerable Adult  
Victims and Witnesses  
**DATE:** January 25, 2025  
(2/11)  
**POSITION:** Oppose, as drafted

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The Maryland Judiciary opposes House Bill 677, as drafted.

The Judiciary's opposition is to the provision found on page 2, lines 14 through 17, which mandates certain judiciary action. This action falls within the Judiciary's core functions and should not be mandated, but rather, more appropriately left to the discretion of the Judiciary.

This provision dictates that the court shall hold a hearing. The Judiciary would request that the word "shall" be amended to "may." A decision as to whether to hold a hearing, and the overall management of court dockets, should remain within the authority of the Judiciary. In addition, there are mechanisms in place for the court to determine a witness' competency.

The Judiciary is also concerned with the provision on page 2, line 7, which defines a "vulnerable adult" as any person who is at least 68 years of age. This would place the court in the position of determining the mental and physical fitness of every witness solely based on their age and not whether any facts exist to warrant such a determination.

cc. Hon. Karen Toles  
Judicial Council  
Legislative Committee  
Kelley O'Connor