



House of Ruth Maryland

Domestic Violence Legal Clinic

2201 Argonne Drive, Baltimore, Maryland 21218

(410) 554-8463 • Fax: (410) 243-3014 • www.hruth.org • dhausner@hruthmd.org

Bill No.: House Bill 281
Bill Title: Criminal Procedure - Admission of Out-of-Court Statements - Assault
in the Second Degree
Committee: Judiciary
Hearing Date: January 28, 2025
Position: **FAV**

House of Ruth is a non-profit organization providing shelter, counseling, and legal services to victims of domestic violence throughout the State of Maryland. House of Ruth has offices in Baltimore City, Baltimore County, Prince George's County, and Montgomery County. House Bill 281 would expand the hearsay exception to second degree assault cases if the statement is offered against a party that has committed an act that renders a witness unavailable. **We urge the House Judiciary Committee to favorably report on House Bill 281.**

Under current law, Courts and Judicial Proceedings Article § 10-901 provides that a statement is not excluded by the hearsay rule and is admissible during the criminal trial of a defendant charged with *a felony* violation if the statement is offered against a party that has engaged in, directed, or conspired to commit wrongdoing that was intended to and did render the witness unavailable.

House Bill 281 would expand the existing hearsay exception to include second degree assault charges in a criminal trial. A court must find by a preponderance of the evidence that the party against whom the statement is offered has engaged in specified activities that rendered the witness unavailable.

Perpetrators of abuse often coerce or cajole survivors into not testifying at criminal proceedings. Under current law, victims' statements under these circumstances may still be admissible in court under the hearsay exception, but only in felony cases. Because the most common criminal charge that arises from incidents of intimate partner violence is second degree assault, the current law does not apply to the majority of criminal cases arising from domestic violence. House Bill 281 would rectify this situation by expanding the hearsay exception to second degree assault cases.

The House of Ruth urges the House Judiciary Committee to report favorably on House Bill 281.