

Ivan Bates
President



Kirsten N. Brown
Executive Director

Maryland State's Attorneys' Association
3300 North Ridge Road, Suite 185
Ellicott City, Maryland 21043
kbrown@mdsaa.org ~ 301-673-9409

Date: March 5, 2026

Bill Number: HB 1131

Position: Unfavorable

MSAA requests an unfavorable report on House Bill 1131.

The bill, as drafted, would materially hinder the investigation and prosecution of potential infanticide and related homicide cases.

In a current matter in Maryland, the State must determine whether a newborn was born alive or was stillborn. That determination is not philosophical; it is forensic and legal. It requires coordinated investigation involving law enforcement, medical personnel, forensic pathologists, and prosecutors.

Establishing live birth is often the central evidentiary issue in infanticide cases. Any statutory language that restricts how investigators gather medical evidence, interview witnesses, or evaluate post-birth conduct risks foreclosing the ability to prove criminal culpability where it exists.

HB 1131 would create significant procedural and liability barriers at the earliest stage of investigation. By imposing potential civil and criminal sanctions on investigative entities for actions taken in the course of examining pregnancy outcomes, the bill would create a chilling effect. Law enforcement officers, medical examiners, and prosecutors may hesitate to pursue legitimate lines of inquiry out of concern for personal or institutional liability.

The bill also blurs the line between protecting individuals from improper prosecution and shielding potentially criminal conduct from scrutiny. While safeguarding against unjust charges is an appropriate legislative goal, erecting barriers that prevent fact-finding undermines the State's fundamental duty to determine whether a crime occurred.

Lastly, the bill, as drafted, creates a unique circumstance, giving a potential suspect or defendant the power to determine whether they are investigated. For some reason, this bill, as drafted, allows a suspect to opt out of having their conduct examined.

In short, HB 1131 complicates the ability to determine live birth, a threshold issue in homicide prosecutions; restricts investigative tools needed to assess criminal liability; and exposes investigative entities to civil and criminal sanctions, thereby deterring lawful investigations.

For the aforementioned reasons, MSAA respectfully urges an unfavorable report on House Bill 1131 in its current form or seeks substantial amendments to ensure that legitimate criminal investigations into potential infanticide are not impaired