

certain procedures; clarifying that this Act does not limit the admissibility of a statement under other hearsay exceptions or rules of evidence; providing for the applicability of this Act; and generally relating to the admissibility into evidence of out of court statements of child victims of certain crimes.

BY adding to

Article - Courts and Judicial Proceedings
Section 9-103.1
Annotated Code of Maryland
(1984 Replacement Volume and 1987 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Courts and Judicial Proceedings

9-103.1.

(A) IN THIS SECTION "STATEMENT" MEANS:

(1) AN ORAL OR WRITTEN ASSERTION; OR

(2) NONVERBAL CONDUCT, IF IT IS INTENDED AS AN ASSERTION, INCLUDING SOUNDS, GESTURES, DEMONSTRATIONS, DRAWINGS, OR SIMILAR ACTIONS.

(B) IF A COURT FINDS THAT THE REQUIREMENTS OF SUBSECTION (C) OF THIS SECTION ARE SATISFIED, A COURT MAY ADMIT INTO EVIDENCE IN ANY JUDICIAL PROCEEDING AN OUT OF COURT STATEMENT MADE BY A CHILD VICTIM UNDER THE AGE OF 12 YEARS, WHO IS THE ALLEGED VICTIM IN THE CASE BEFORE THE COURT, CONCERNING THE ALLEGED OFFENSE AGAINST THE CHILD OF:

(1) CHILD ABUSE, AS DEFINED IN § 5-701 OF THE FAMILY LAW ARTICLE OR ARTICLE 27, § 35A OF THE CODE;

(2) A CRIME OF VIOLENCE, AS DEFINED IN ARTICLE 27, § 643B OF THE CODE; OR

(3) A SEXUAL OFFENSE, UNDER ARTICLE 27, SECTION 464B OR SECTION 464C OF THE CODE.

(B) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, IF A COURT FINDS THAT THE REQUIREMENTS OF SUBSECTION (C) OF THIS SECTION ARE SATISFIED, A COURT MAY ADMIT INTO EVIDENCE IN A CRIMINAL PROCEEDING AN OUT OF COURT STATEMENT, TO PROVE THE TRUTH OF THE MATTER ASSERTED IN THE STATEMENT, MADE BY A CHILD VICTIM UNDER THE AGE OF 12 YEARS, WHO IS THE ALLEGED VICTIM IN THE CASE BEFORE THE COURT, CONCERNING AN ALLEGED