

Speaker of the House of Delegates
State House
Annapolis, Maryland 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed House Bill 1442.

This bill would provide that out of court statements by child victims are admissible in all juvenile court proceedings and criminal proceedings, under certain circumstances regardless of whether the child testifies.

Senate Bill 340, which was passed by the General Assembly and signed by me on May 2, 1994, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1442.

Sincerely,
William Donald Schaefer
Governor

House Bill No. 1442

AN ACT concerning

Judicial Proceedings – Admission of Out of Court Statements – Child Victims

FOR the purpose of allowing into evidence in certain judicial proceedings the out of court statements by child victims regardless of whether the child victim testifies ~~or is unavailable to testify~~ under certain circumstances; permitting certain out of court statements in juvenile court proceedings; clarifying provisions related to corroborative evidence; requiring a court to conduct a certain examination of a child prior to determining the admissibility of a statement under certain circumstances; requiring certain persons to serve a certain statement on certain individuals for a certain purpose; clarifying that certain persons have the right to be present when a certain determination is made; prohibiting a defendant from being present when the court observes or questions a child in connection with the admission of an out of court statement; making provisions of this Act severable; and generally relating to the admission of out of court statements by child victims.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 9–103.1
Annotated Code of Maryland
(1989 Replacement Volume and 1993 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