

House Bill No. 563

AN ACT concerning

Child Victims of Sexual Offenses – Use of Out of Court Statements

FOR the purpose of permitting the use in certain court proceedings of certain statements made under certain circumstances by a child who is the alleged victim of certain sexual offenses; and generally relating to the use of out of court statements of children in court proceedings.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 9-103.1
Annotated Code of Maryland
(1989 Replacement Volume and 1991 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) (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 child in need of assistance (CINA) proceeding or 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 or the child alleged to need assistance in the case before the court, concerning an alleged offense against the child of:

(I) [child] CHILD abuse, as defined under Article 27, § 35A of the Code;

(II) RAPE OR SEXUAL OFFENSE, AS DEFINED IN ARTICLE 27, §§ 462 THROUGH ~~464C~~ 464B OF THE CODE, INCLUSIVE;

~~(III) AN ATTEMPT TO COMMIT ONE OR MORE OF THE OFFENSES DESCRIBED IN ITEM (II) OF THIS PARAGRAPH;~~

~~(IV)~~ (III) ASSAULT WITH INTENT TO COMMIT RAPE OR SEXUAL OFFENSE, AS DEFINED IN ARTICLE 27, § 12 OF THE CODE;[,] or