

BY repealing and reenacting, without amendments,

Article 27 – Crimes and Punishments

Section 775(a) and (c)

Annotated Code of Maryland

(1996 Replacement Volume and 1997 Supplement)

BY repealing and reenacting, with amendments,

Article 27 – Crimes and Punishments

Section 775(b)

Annotated Code of Maryland

(1996 Replacement Volume and 1997 Supplement)

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

**Article 27 – Crimes and Punishments**

775.

(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 juvenile court 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 abuse, as defined in § 35C of this article;

(ii) Rape or sexual offense, as defined in §§ 462 through 464B of this article;

(iii) Attempted rape or attempted sexual offense in the first or second degree, as defined in § 464F of this article; or

(iv) In a juvenile court proceeding, abuse or neglect as defined in § 5-701 of the Family Law Article.

(2) An out of court statement may be admissible under this section only if:

(i) The statement was made to and is offered by:

1. A [licensed] physician[, as defined in § 14-101 of the Health Occupations Article];