

SENATE BILL 274

E2

5lr1801
CF HB 293

By: ~~Senator Love~~ Senators Love, Smith, Waldstreicher, Sydnor, West, Muse, Folden, James, McKay, and Charles

Introduced and read first time: January 9, 2025

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 16, 2025

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Child Victims – Testimony in Child Abuse Cases**

3 FOR the purpose of altering a certain requirement under which a court is authorized to
4 order that the testimony of a child victim be taken outside a courtroom and shown
5 in the courtroom by closed circuit television in certain child abuse cases; and
6 generally relating to testimony of child victims.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Procedure
9 Section 11–303
10 Annotated Code of Maryland
11 (2018 Replacement Volume and 2024 Supplement)

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

14 **Article – Criminal Procedure**

15 11–303.

16 (a) **(1)** This section applies to a case of abuse of a child under Title 5, Subtitle
17 7 of the Family Law Article or § 3–601 or § 3–602 of the Criminal Law Article.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(2) THIS SECTION DOES NOT APPLY IF A DEFENDANT OR CHILD RESPONDENT IS WITHOUT COUNSEL.

(b) A court may order that the testimony of a child victim be taken outside the courtroom and shown in the courtroom by closed circuit television if:

(1) the court determines that testimony by the child victim in the presence of a defendant or a child respondent will result in the child [victim's] VICTIM suffering serious emotional distress [such that the child victim cannot reasonably communicate]; and

(2) the testimony is taken during the proceeding.

(c) (1) In determining whether testimony by the child victim in the presence of the defendant or child respondent will result in the child [victim's] VICTIM suffering [such] serious emotional distress [that the child cannot reasonably communicate], the court may:

(i) observe and question the child victim inside or outside the courtroom; and

(ii) hear testimony of a parent or custodian of the child victim or other person, including a person who has dealt with the child victim in a therapeutic setting.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, each defendant or child respondent, one attorney for a defendant or child respondent, one prosecuting attorney, and one attorney for the child victim may be present when the court hears testimony on whether to allow a child victim to testify by closed circuit television.

(ii) If the court decides to observe or question the child victim in connection with the determination to allow testimony by closed circuit television:

1. the court may not allow the defendant or child respondent to be present; but

2. one attorney for each defendant or child respondent, one prosecuting attorney, and one attorney for the child victim may be present.

(d) (1) **IF THE CHILD VICTIM TESTIFIES BY CLOSED CIRCUIT TELEVISION, THE TESTIMONY SHALL BE GIVEN WITHIN THE COURTHOUSE IN A SETTING THAT THE COURT FINDS WILL REASONABLY MITIGATE THE LIKELIHOOD THAT THE CHILD VICTIM WILL SUFFER EMOTIONAL DISTRESS.**

(2) Only the following persons may be in the room with the child victim when the child victim testifies by closed circuit television:

- 1 (i) one prosecuting attorney;
- 2 (ii) one attorney for each defendant or child respondent;
- 3 (iii) one attorney for the child victim;
- 4 (iv) the operators of the closed circuit television equipment; and
- 5 (v) subject to the Maryland Rules, any person whose presence, in the
- 6 opinion of the court, contributes to the well-being of the child victim, including a person
- 7 who has dealt with the child victim in a therapeutic setting concerning the abuse.

8 ~~(2)~~ **(3)** During the child victim's testimony by closed circuit television,

9 the court and the defendant or child respondent shall be in the courtroom.

10 ~~(3)~~ **(4)** **(I)** [The] **SUBJECT TO SUBSECTION (F) OF THIS SECTION,**

11 **THE** court and the defendant or child respondent shall be allowed to communicate with the

12 persons in the room where the child victim is testifying by any appropriate electronic

13 method.

14 **(II)** **THE DEFENDANT OR CHILD RESPONDENT SHALL HAVE A**

15 **MEANS OF PRIVATELY COMMUNICATING ORALLY AND IN REAL-TIME WITH THE**

16 **ATTORNEY FOR THE DEFENDANT OR CHILD RESPONDENT WHO IS IN THE ROOM**

17 **WHERE THE CHILD VICTIM IS TESTIFYING.**

18 ~~(4)~~ **(5)** (i) In a juvenile delinquency proceeding or criminal

19 proceeding, only one prosecuting attorney, one attorney for each defendant or child

20 respondent, and the court may question the child victim.

21 (ii) In a child in need of assistance case, only one attorney for each

22 party and the court may question the child victim.

23 (e) [This section does not apply if a defendant or child respondent is without

24 counsel.

25 (f)] This section may not be interpreted to prevent a child victim and a defendant

26 or child respondent from being in the courtroom at the same time when the child victim is

27 asked to identify the defendant or child respondent.

28 **[(g)] (F)** [This section does not allow] **UNDER THIS SECTION, A COURT MAY**

29 **NOT ORDER** the use of two-way closed circuit television or other procedure that would let

30 a child victim see or hear a defendant or child respondent.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

32 October 1, 2025.