

# HOUSE BILL 483

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By: **Delegates B. Wilson and Atterbeary**  
Introduced and read first time: January 27, 2017  
Assigned to: Judiciary

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 14, 2017

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Procedure – Victims and Witnesses – Out of Court Statement of Child**  
3 **Victim**

4 FOR the purpose of expanding a certain evidentiary rule to render admissible a certain  
5 statement made by a certain child victim to a certain adult describing a certain  
6 offense; and generally relating to out of court statements of child victims.

7 BY repealing and reenacting, without amendments,  
8 Article – Criminal Procedure  
9 Section 11–304(a) and (b)  
10 Annotated Code of Maryland  
11 (2008 Replacement Volume and 2016 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article – Criminal Procedure  
14 Section 11–304(c)  
15 Annotated Code of Maryland  
16 (2008 Replacement Volume and 2016 Supplement)

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

19 **Article – Criminal Procedure**

20 11–304.

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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.



1 (a) In this section, “statement” means:

2 (1) an oral or written assertion; or

3 (2) nonverbal conduct intended as an assertion, including sounds, gestures,  
4 demonstrations, drawings, and similar actions.

5 (b) Subject to subsections (c), (d), and (e) of this section, the court may admit into  
6 evidence in a juvenile court proceeding or in a criminal proceeding an out of court statement  
7 to prove the truth of the matter asserted in the statement made by a child victim who:

8 (1) is under the age of 13 years; and

9 (2) is the alleged victim or the child alleged to need assistance in the case  
10 before the court concerning:

11 (i) child abuse under § 3–601 or § 3–602 of the Criminal Law Article;

12 (ii) rape or sexual offense under §§ 3–303 through 3–307 of the  
13 Criminal Law Article;

14 (iii) attempted rape or attempted sexual offense in the first degree or  
15 in the second degree under §§ 3–309 through 3–312 of the Criminal Law Article; or

16 (iv) in a juvenile court proceeding, abuse or neglect as defined in §  
17 5–701 of the Family Law Article.

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

19 (1) the statement was made to and is offered by a person acting lawfully in  
20 the course of the person’s profession when the statement was made who is:

21 [(1)] (I) a physician;

22 [(2)] (II) a psychologist;

23 [(3)] (III) a nurse;

24 [(4)] (IV) a social worker;

25 [(5)] (V) a principal, vice principal, teacher, or school counselor at a public  
26 or private preschool, elementary school, or secondary school;

27 [(6)] (VI) a counselor licensed or certified in accordance with Title 17 of the  
28 Health Occupations Article; or

1 [(7)] (VII) a therapist licensed or certified in accordance with Title 17 of the  
2 Health Occupations Article; OR

3 (2) THE STATEMENT:

4 (I) DESCRIBES THE CHARGED OFFENSE; ~~AND~~

5 (II) WAS MADE TO THE FIRST ADULT OTHER THAN THE  
6 DEFENDANT TO WHOM THE CHILD VICTIM MADE A STATEMENT ABOUT THE  
7 OFFENSE;

8 (III) WAS PROMPTLY REPORTED IN ACCORDANCE WITH § 5-704  
9 OR § 5-705 OF THE FAMILY LAW ARTICLE; AND

10 (IV) WAS DOCUMENTED IN WRITING OR BY AUDIO OR VIDEO  
11 RECORDING.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2017.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.