

**Bill Number: SB 776**  
**Scott D. Shellenberger, State's Attorney for Baltimore County**  
**Support**

**WRITTEN TESTIMONY OF SCOTT SHELLENBERGER,**  
**STATE'S ATTORNEY FOR BALTIMORE COUNTY,**  
**IN SUPPORT OF SENATE BILL 776,**  
**OUT OF COURT STATEMENTS – CHILD AND VULNERABLE ADULT VICTIMS**

I write in support of Senate Bill 776 that makes a logical extension of a hearsay statute written for child abuse cases and applies it to the abuse of vulnerable adults.

Back in the late 1980's this legislature was ahead of the times when it codified what was known as the "Tender Years" exception to the hearsay rule found at common law. Criminal Procedure §11-304 was adopted to create a comprehensive statute that balanced a defendant's right to a fair trial with the need to protect the youngest and most vulnerable among us... children.

Criminal Procedure §11-304 applies to:

- Children under 13;
- Limited to special witnesses;
- Notice to a defendant;
- A copy must be supplied of what will be used;
- Must show the testimony is trustworthy.

To demonstrate trustworthiness the law requires a Judge to consider thirteen factors that need to be analyzed.

Much has been made over the confrontation clause and unless another hearsay exception is present, the child usually will have to testify at trial but Criminal Procedure §11-304 is valuable in allowing the out of court hearsay to come in to supplement and show consistency.

Senate Bill 776 does one very logical thing. It takes this hearsay exception that applies to the youngest and most vulnerable and extends it to the oldest and most vulnerable.

Our population is aging. 1 in 4 residents in Baltimore County is over 60 years old. Baltimore County is not alone. Because of that increase we are seeing more instances of financial exploitation and physical elder abuse. I have an experienced, well trained prosecutor who reviews and prosecutes these cases.

Senate Bill 776 takes a statute with a strong statutory framework that has applied to children for decades and would let it be applied to vulnerable adults.

It is a logical expansion whose time has come. I urge a favorable report.