E2 0 lr 2292 CF 0 lr 2293

By: Senator Lee

Introduced and read first time: January 29, 2020

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 Criminal Procedure - Out of Court Statements of Child Victims - Child Neglect

- 3 FOR the purpose of authorizing a court to admit into evidence in a certain proceeding an
- 4 out of court statement made by a certain child who is the alleged victim of a certain
- 5 crime of child neglect; making conforming changes; and generally relating to the
- 6 admissibility of out of court statements of child victims.
- 7 BY repealing and reenacting, without amendments,
- 8 Article Criminal Law
- 9 Section 3–602.1
- 10 Annotated Code of Maryland
- 11 (2012 Replacement Volume and 2019 Supplement)
- 12 BY repealing and reenacting, without amendments,
- 13 Article Criminal Procedure
- 14 Section 11–304(a)
- 15 Annotated Code of Maryland
- 16 (2018 Replacement Volume and 2019 Supplement)
- 17 BY repealing and reenacting, with amendments,
- 18 Article Criminal Procedure
- 19 Section 11–304(b)
- 20 Annotated Code of Maryland
- 21 (2018 Replacement Volume and 2019 Supplement)
- 22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND.
- 23 That the Laws of Maryland read as follows:
- 24 Article Criminal Law
- 25 3–602.1.

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(1)

1 (a) (1) In this section the following words have the meanings indicated. 2 (2)"Family member" has the meaning stated in § 3-601 of this subtitle. 3 "Household member" has the meaning stated in § 3-601 of this subtitle. (3)"Mental injury" means the substantial impairment of a minor's mental 4 **(4)** 5 or psychological ability to function. 6 (5)"Neglect" means the intentional failure to provide necessary assistance and resources for the physical needs or mental health of a minor that creates a 7 8 substantial risk of harm to the minor's physical health or a substantial risk of mental injury to the minor. 9 10 (ii) "Neglect" does not include the failure to provide necessary 11 assistance and resources for the physical needs or mental health of a minor when the failure 12is due solely to a lack of financial resources or homelessness. 13 A parent, family member, household member, or other person who has 14 permanent or temporary care or custody or responsibility for the supervision of a minor 15 may not neglect the minor. 16 A person who violates this section is guilty of the misdemeanor of child neglect 17 and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding 18 \$5,000 or both. 19 A sentence imposed under this section shall be in addition to any other 20 sentence imposed for a conviction arising from the same facts and circumstances unless the 21evidence required to prove each crime is substantially identical. 22Article - Criminal Procedure 2311 - 304.In this section, "statement" means: 24(a) 25(1) an oral or written assertion; or 26 nonverbal conduct intended as an assertion, including sounds, gestures, (2)27 demonstrations, drawings, and similar actions. 28 (b) Subject to subsections (c), (d), and (e) of this section, the 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 who:

is under the age of 13 years; and

$\frac{1}{2}$	(2) is the alleged victim or the child alleged to need assistance in the capefore the court concerning:	ıse
3	(i) child abuse under § 3–601 or § 3–602 of the Criminal Law Artic	ele;
4 5	(II) CHILD NEGLECT UNDER § 3–602.1 OF THE CRIMINAL LA	AW
6 7	[(ii)] (III) rape or sexual offense under §§ 3–303 through 3–307 he Criminal Law Article;	' of
8 9	[(iii)] (IV) attempted rape in the first degree or in the second degrander §§ 3–309 and 3–310 of the Criminal Law Article; or	ree
10 11	[(iv)] (V) in a juvenile court proceeding, abuse or neglect as definent § 5–701 of the Family Law Article.	ıed

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October 1, 2020.

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