

HOUSE BILL 237

D1, D3, E2
HB 926/12 – JUD

6lr1433
CF SB 150

By: **Delegates Smith, Anderton, Atterbeary, Carr, Carter, Conaway, Dumais, Fraser-Hidalgo, Kelly, Korman, Lierman, Luedtke, Moon, Morales, Platt, Proctor, Reznik, Sanchez, Sydnor, Waldstreicher, and M. Washington**

Introduced and read first time: January 25, 2016

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 23, 2016

CHAPTER _____

1 AN ACT concerning

2 **Courts – Prohibition Against Testimony by Convicted Perjurer – Repeal**

3 FOR the purpose of repealing a certain prohibition on a person convicted of perjury from
4 testifying in a proceeding; providing that evidence that a witness has been convicted
5 of perjury shall be admitted for the purpose of attacking the credibility of the witness,
6 regardless of the date of the conviction, under certain circumstances; making stylistic
7 changes; and generally relating to testimony by a convicted perjurer.

8 BY repealing

9 Article – Courts and Judicial Proceedings

10 Section 9–104

11 Annotated Code of Maryland

12 (2013 Replacement Volume and 2015 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Courts and Judicial Proceedings

15 Section 10–905

16 Annotated Code of Maryland

17 (2013 Replacement Volume and 2015 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

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 **Article – Courts and Judicial Proceedings**

2 [9–104.

3 A person convicted of perjury may not testify.]

4 10–905.5 (a) **(1)** Evidence is admissible to prove the interest of a witness in any
6 proceeding, or the fact of [his] THE WITNESS’S conviction of an infamous crime.7 **(2)** Evidence of conviction is not admissible if an appeal is pending, or the
8 time for an appeal has not expired, or the conviction has been reversed, and there has been
9 no retrial or reconviction.10 (b) The certificate, under the seal of the clerk of the court, of the court in which
11 the conviction occurred is sufficient evidence of the conviction.12 **(C)** **EVIDENCE THAT A WITNESS HAS BEEN CONVICTED OF PERJURY SHALL**
13 **BE ADMITTED FOR THE PURPOSE OF ATTACKING THE CREDIBILITY OF THE WITNESS,**
14 **REGARDLESS OF THE DATE OF THE CONVICTION, IF THE EVIDENCE IS ELICITED**
15 **FROM THE WITNESS OR ESTABLISHED BY PUBLIC RECORD DURING EXAMINATION OF**
16 **THE WITNESS.**17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2016.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.