

HOUSE BILL 31

E2, R7
HB 1382/13 – JUD

(PRE-FILED)

4r1022
CF 4r1389

By: **Delegates McDermott and Smigiel**

Requested: October 1, 2013

Introduced and read first time: January 8, 2014

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Sentencing Procedures – Statement by Victim or Victim’s Representative**
3 **(Alex’s Law)**

4 FOR the purpose of requiring a court in a sentencing or disposition hearing to allow a
5 victim or the victim’s representative to address the court under oath before the
6 imposition of sentence or other disposition under certain circumstances; and
7 generally relating to a certain statement by a victim or the victim’s
8 representative in a sentencing or disposition hearing.

9 BY repealing and reenacting, without amendments,
10 Article – Criminal Procedure
11 Section 11–401 and 11–403(a)
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2013 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Criminal Procedure
16 Section 11–403(b)
17 Annotated Code of Maryland
18 (2008 Replacement Volume and 2013 Supplement)

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

21 **Article – Criminal Procedure**

22 11–401.

23 In this subtitle, “victim’s representative” means:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (1) a member of the victim's immediate family; or
- 2 (2) another family member, the personal representative, or guardian
3 of the victim if the victim is:
- 4 (i) deceased;
- 5 (ii) under a mental, physical, or legal disability; or
- 6 (iii) otherwise unable to provide the required information.

7 11-403.

8 (a) In this section, "sentencing or disposition hearing" means a hearing at
9 which the imposition of a sentence, disposition in a juvenile court proceeding, or
10 alteration of a sentence or disposition in a juvenile court proceeding is considered.

11 (b) In the sentencing or disposition hearing the court[:

12 (1)] , if practicable, shall allow the victim or the victim's representative
13 to address the court under oath before the imposition of sentence or other disposition:

14 [(i)] (1) at the request of the prosecuting attorney; [or]

15 (2) AT THE REQUEST OF THE VICTIM OR THE VICTIM'S
16 REPRESENTATIVE; OR

17 [(ii)] (3) if the victim has filed a notification request form
18 under § 11-104 of this title[; and

19 (2) may allow the victim or the victim's representative to address the
20 court under oath before the imposition of sentence or other disposition at the request
21 of the victim or the victim's representative].

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2014.