
**By: Senator Stone (Task Force to Examine Maryland's Crime Victims' Rights Laws)
and Senator Miller**

Introduced and read first time: February 7, 1996

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Victims' Rights - Notification Procedures**

3 FOR the purpose of establishing procedures for notifying certain victims of their rights
4 during the criminal justice process; requiring the State Board of Victim Services to
5 create and develop certain informational pamphlets notifying victims of certain
6 rights, services, and procedures provided by law; requiring the Board, in
7 consultation with the Administrative Office of the Courts, to develop a notification
8 request form through which a victim may request to be notified under this Act;
9 providing for the distribution of the pamphlets to certain victims at certain stages of
10 a criminal case; requiring the State's Attorney to mail or otherwise deliver to the
11 victim a notification request form within a certain period of time after the filing or
12 unsealing of an indictment or information in circuit court or on the filing of a
13 petition alleging delinquency in certain cases; requiring the State's Attorney to
14 certify certain information to the clerk of the circuit court; designating the State's
15 Attorney to receive a completed notification request form from a victim; requiring
16 the State's Attorney to send a copy of the completed notification request form to
17 the clerk; providing for the effect of filing a notification request form by a victim;
18 authorizing a victim to designate a person or organization to receive notice for the
19 victim under certain circumstances; requiring the State's Attorney, under certain
20 circumstances, to send to the victim prior notice of certain proceedings; authorizing
21 the State's Attorney, under certain circumstances, to request the clerk to send the
22 notice to the victim; requiring the State's Attorney, under certain circumstances, to
23 advise the victim of certain proceedings; authorizing the State's Attorney, under
24 certain circumstances, to give the victim certain information; requiring the clerk,
25 under certain circumstances, to include certain information with a commitment
26 order; requiring the clerk, under certain circumstances, to send certain information
27 to the Attorney General and a certain court; establishing procedures by which a
28 victim may elect not to receive notice under this Act; authorizing a victim to file a
29 notification request form with a department or facility to which the defendant has
30 been committed; repealing the termination date for certain court costs; defining
31 certain terms; making certain technical changes; and generally relating to victims'
32 rights notification procedures.

33 BY repealing and reenacting, with amendments,
34 Article 26A - Criminal Injuries Compensation Act

2

1 Section 17
2 Annotated Code of Maryland
3 (1994 Replacement Volume and 1995 Supplement)

4 BY adding to
5 Article 27 - Crimes and Punishments
6 Section 773
7 Annotated Code of Maryland
8 (1992 Replacement Volume and 1995 Supplement)

9 BY repealing and reenacting, with amendments,
10 Article - State Government
11 Section 9-1701 through 9-1703, 9-1705, and 9-1708
12 Annotated Code of Maryland
13 (1995 Replacement Volume)

14 BY repealing and reenacting, with amendments,
15 Chapter 396 of the Acts of the General Assembly of 1995
16 Section 3

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

19 **Article 26A - Criminal Injuries Compensation Act**

20 17.

21 (a) (1) In this section the following words have the meanings indicated.

22 (2) "Crime" means an act committed by a person in the State that is:

23 (i) A crime under Article 27 of the Code;

24 (ii) A violation of the Transportation Article which is punishable by
25 imprisonment; or

26 (iii) A crime at common law.

27 (3) "Offense" means an act committed by a person in the State that is a
28 violation of the Transportation Article and is not punishable by imprisonment.

29 (b) In addition to any other costs required by law, a circuit court shall impose on
30 a defendant convicted of a crime an additional cost of \$40 in the case.

31 (c) In addition to any other costs required by law, the District Court shall impose
32 on a defendant convicted of a crime an additional cost of \$30 in the case.

33 (d) In addition to any other costs required by law, a court shall impose on a
34 defendant convicted of an offense an additional cost of \$3 in the case, including cases in
35 which the defendant elects to waive the right to trial and pay the fine or penalty deposit
36 established by the Chief Judge of the District Court by administrative regulation.

3

1 (e) (1) All money collected under this section shall be paid to the Comptroller
2 of the State.

3 (2) The Comptroller shall deposit \$20 from each fee collected under
4 subsection (b) of this section from a circuit court and \$10 from each fee collected under
5 subsection (c) of this section from the District Court into the Maryland Victims of Crime
6 Fund established under Article 27, § 764(j) of the Code.

7 (3) The Comptroller shall deposit all other moneys collected under
8 subsections (b) and (c) of this section into the Criminal Injuries Compensation Fund
9 established under § 17A of this article.

10 (4) The Comptroller shall pay out moneys from the Maryland Victims of
11 Crime Fund as approved by the Board of Victim Services under §§ 9-1701 through 9-1708
12 of the State Government Article.

13 (f) (1) From the first \$500,000 in fees collected under subsection (d) of this
14 section IN EACH FISCAL YEAR, the Comptroller shall deposit one-half of each fee into
15 the Maryland Victims of Crime Fund and one-half of each fee into the Criminal Injuries
16 Compensation Fund.

17 (2) For fees collected under subsection (d) of this section in excess of
18 \$500,000 IN EACH FISCAL YEAR, the Comptroller shall deposit the entire fee into the
19 Criminal Injuries Compensation Fund.

20 (g) A political subdivision may not be held liable under any condition for the
21 payment of sums under this section.

22 **Article 27 - Crimes and Punishments**

23 773.

24 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
25 INDICATED.

26 (2) "VICTIM" MEANS AN INDIVIDUAL WHO SUFFERS DIRECT OR
27 THREATENED PHYSICAL, EMOTIONAL, OR FINANCIAL HARM AS A DIRECT RESULT
28 OF A CRIME OR DELINQUENT ACT, INCLUDING A FAMILY MEMBER OR GUARDIAN
29 OF A MINOR, INCOMPETENT, OR HOMICIDE VICTIM.

30 (3) "CLERK" MEANS THE CLERK OF A CIRCUIT COURT OR THE CLERK OF
31 A COURT SITTING AS THE JUVENILE COURT, AS THE CONTEXT REQUIRES.

32 (4) "STATE'S ATTORNEY" INCLUDES:

33 (I) THE STATE'S ATTORNEY'S DESIGNEE; AND

34 (II) AT THE TRIAL LEVEL, THE ATTORNEY GENERAL OR THE
35 ATTORNEY GENERAL'S DESIGNEE.

36 (B) ON FIRST CONTACT WITH A VICTIM, A LAW ENFORCEMENT OFFICER,
37 DISTRICT COURT COMMISSIONER, OR JUVENILE INTAKE OFFICER SHALL GIVE THE
38 VICTIM A COPY OF THE PAMPHLET DESCRIBED IN § 9-1705(8)(I) OF THE STATE
39 GOVERNMENT ARTICLE.

4

1 (C) (1) WITHIN 10 DAYS AFTER THE LATER OF THE FILING OR THE
2 UNSEALING OF AN INDICTMENT OR INFORMATION IN CIRCUIT COURT, THE STATE'S
3 ATTORNEY SHALL:

4 (I) MAIL OR OTHERWISE DELIVER TO THE VICTIM A COPY OF THE
5 PAMPHLET DESCRIBED IN § 9-1705(8)(II) OF THE STATE GOVERNMENT ARTICLE;

6 (II) MAIL OR OTHERWISE DELIVER TO THE VICTIM A COPY OF THE
7 NOTIFICATION REQUEST FORM DESCRIBED IN § 9-1705(9) OF THE STATE
8 GOVERNMENT ARTICLE; AND

9 (III) CERTIFY TO THE CLERK THAT THE STATE'S ATTORNEY HAS
10 COMPLIED WITH THE REQUIREMENTS IN ITEMS (I) AND (II) OF THIS PARAGRAPH OR
11 IS UNABLE TO IDENTIFY THE VICTIM.

12 (2) ON THE FILING OF A PETITION ALLEGING DELINQUENCY IN A CASE
13 IN WHICH THE CHILD IS ALLEGED TO HAVE COMMITTED AN ACT THAT COULD ONLY
14 BE TRIED IN THE CIRCUIT COURT IF COMMITTED BY AN ADULT, THE STATE'S
15 ATTORNEY SHALL:

16 (I) INFORM THE VICTIM OF THE RIGHT TO REQUEST RESTITUTION
17 UNDER § 3-829 OF THE COURTS ARTICLE;

18 (II) MAIL OR OTHERWISE DELIVER TO THE VICTIM A COPY OF THE
19 NOTIFICATION REQUEST FORM DESCRIBED IN § 9-1705(9) OF THE STATE
20 GOVERNMENT ARTICLE; AND

21 (III) CERTIFY TO THE CLERK THAT THE STATE'S ATTORNEY HAS
22 COMPLIED WITH THE REQUIREMENTS IN ITEMS (I) AND (II) OF THIS PARAGRAPH OR
23 IS UNABLE TO IDENTIFY THE VICTIM.

24 (D) (1) ON COMPLETION OF A NOTIFICATION REQUEST FORM, THE VICTIM
25 MAY FILE THE FORM WITH THE STATE'S ATTORNEY.

26 (2) ON RECEIPT OF A COMPLETED NOTIFICATION REQUEST FORM BY
27 THE STATE'S ATTORNEY, THE STATE'S ATTORNEY SHALL SEND A COPY OF THE
28 FORM TO THE CLERK.

29 (3) THE FILING OF A NOTIFICATION REQUEST FORM BY A VICTIM
30 CONSTITUTES COMPLIANCE WITH ARTICLE 47 OF THE DECLARATION OF RIGHTS OR
31 ANY OTHER PROVISION OF THE CODE THAT REQUIRES A VICTIM TO REQUEST
32 NOTIFICATION.

33 (4) A VICTIM WHO FILES A NOTIFICATION REQUEST FORM AND DOES
34 NOT WANT HIS OR HER ADDRESS TO BE MADE PUBLIC SHALL DESIGNATE IN A
35 NOTIFICATION REQUEST FORM A PERSON OR ORGANIZATION WHO HAS
36 CONSENTED TO RECEIVE NOTICE FOR THE VICTIM.

37 (E) (1) IF A VICTIM HAS FILED A NOTIFICATION REQUEST FORM UNDER
38 SUBSECTION (D) OF THIS SECTION, THE STATE'S ATTORNEY SHALL SEND TO THE
39 VICTIM PRIOR NOTICE, IF PRACTICABLE, OF ALL COURT PROCEEDINGS IN THE CASE.

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1 (2) IF THE CASE IS IN A JURISDICTION IN WHICH THE OFFICE OF THE
2 CLERK IS EQUIPPED WITH AN AUTOMATED FILING SYSTEM, NOTHING IN THIS
3 SUBSECTION PRECLUDES THE STATE'S ATTORNEY FROM REQUESTING THE CLERK
4 TO SEND THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

5 (3) AFTER A VICTIM HAS FILED A NOTIFICATION REQUEST FORM
6 UNDER SUBSECTION (D) OF THIS SECTION, THE STATE'S ATTORNEY SHALL ADVISE
7 THE VICTIM OF ALL PROCEEDINGS THAT AFFECT THE VICTIM'S INTERESTS,
8 INCLUDING A BAIL HEARING OR CHANGE IN THE DEFENDANT'S PRETRIAL RELEASE
9 ORDER, DISMISSAL, NOL PROS OR STETTING OF CHARGES, TRIAL, DISPOSITION, OR
10 POST-SENTENCING COURT PROCEEDING.

11 (4) WHETHER OR NOT THE VICTIM HAS FILED A NOTIFICATION
12 REQUEST FORM UNDER SUBSECTION (D) OF THIS SECTION, IF THE VICTIM
13 REQUESTS SUCH INFORMATION, NOTHING MAY PRECLUDE THE STATE'S ATTORNEY
14 FROM GIVING THE VICTIM INFORMATION CONCERNING THE CURRENT STATUS OF
15 THE CASE.

16 (F) IF A COMMITMENT ORDER IS ISSUED AFTER A VICTIM HAS FILED A
17 NOTIFICATION REQUEST FORM UNDER SUBSECTION (D) OF THIS SECTION, THE
18 CLERK SHALL INCLUDE A COPY OF THE NOTIFICATION REQUEST FORM WITH THE
19 COMMITMENT ORDER.

20 (G) IF AN APPEAL IS FILED IN A CASE IN WHICH A VICTIM HAS FILED A
21 NOTIFICATION REQUEST FORM UNDER SUBSECTION (D) OF THIS SECTION, THE
22 CLERK SHALL SEND A COPY OF THE NOTIFICATION REQUEST FORM TO THE
23 ATTORNEY GENERAL AND THE COURT TO WHICH THE CASE HAS BEEN APPEALED.

24 (H) AT ANY TIME AFTER FILING A NOTIFICATION REQUEST FORM UNDER
25 SUBSECTION (D) OF THIS SECTION, A VICTIM MAY ELECT NOT TO RECEIVE ANY
26 FURTHER NOTICES BY FILING A WRITTEN REQUEST WITH:

27 (1) IF THE CASE IS STILL IN THE CIRCUIT COURT OR THE JUVENILE
28 COURT, THE STATE'S ATTORNEY; OR

29 (2) IF A COMMITMENT ORDER HAS BEEN ISSUED IN THE CASE, THE
30 DEPARTMENT OR FACILITY SPECIFIED IN THE COMMITMENT ORDER TO WHICH THE
31 DEFENDANT HAS BEEN COMMITTED.

32 (I) THIS SECTION DOES NOT PROHIBIT A VICTIM FROM FILING A
33 NOTIFICATION REQUEST FORM WITH A DEPARTMENT OR FACILITY TO WHICH A
34 DEFENDANT HAS BEEN COMMITTED.

35 **Article - State Government**

36 9-1701.

37 (a) In this subtitle the following words have the meanings indicated.

38 (b) "Board" means the State Board of Victim Services.

39 (c) [(1)] "Crime" means an act that is committed by any person in the State that
40 would constitute a crime under Article 27 of the Code or at common law.

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1 [(2) "Crime" does not include any act that involves the operation of a vessel
2 or motor vehicle that results in injury, unless the injuries were intentionally inflicted
3 through the use of the vessel or motor vehicle.]

4 (d) "Executive Director" means the Executive Director of the Governor's Office
5 of [Justice Administration] CRIME CONTROL AND PREVENTION.

6 (e) "Fund" means the Maryland Victims of Crime Fund established under Article
7 27, § 764 of the Code.

8 (f) "Victim" means an individual who suffers [personal injury or death] DIRECT
9 OR THREATENED PHYSICAL, EMOTIONAL, OR FINANCIAL HARM as a direct result of a
10 crime, INCLUDING A FAMILY MEMBER OF A MINOR, INCOMPETENT, OR HOMICIDE
11 VICTIM.

12 (g) "Victim Services Coordinator" means the person who is appointed under the
13 provisions of § 9-1708 of this subtitle.

14 9-1702.

15 In recognition that State and local law, programs, and procedures must be
16 continually updated to meet the unique needs of crime victims, the General Assembly
17 finds that:

18 (1) there is a need for the State Board of Victim Services and the position of
19 "Victim Services Coordinator" for the purpose of monitoring, assessing, coordinating, and
20 making recommendations concerning State and local efforts to assist victims of crimes;

21 (2) the Victim Services Program should be transferred to be under the
22 authority of the Governor's Office of [Justice Administration] CRIME CONTROL AND
23 PREVENTION; and

24 (3) the administrative consolidation effected by this transfer will minimize
25 fragmentation of functions that the State government performs on behalf of crime victims
26 and assist in the coordination, efficiency, and greater effectiveness of State assistance to
27 victims of crime.

28 9-1703.

29 There is in the Governor's Office of [Justice Administration,] CRIME CONTROL
30 AND PREVENTION, created by Executive Order [01.01.1992.02,] 01.01.1995.18, or in any
31 successor unit, a State Board of Victim Services.

32 9-1705.

33 Subject to the authority of the Executive Director, the Board shall have the
34 following powers and duties:

35 (1) to render each year to the Governor a written report of its activities,
36 including the administration of the Fund;

37 (2) to monitor service needs of victims;

38 (3) to advise the Governor on the needs of victims;

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1 (4) (i) to recommend the appointment of the Victim Services Coordinator
2 to the Executive Director; and

3 (ii) to review and approve Victim Services Coordinator plans, annual
4 reports, and the implementation, operation, and revision of programs by the Victim
5 Services Coordinator;

6 (5) to approve or disapprove the grant applications submitted by the Office
7 of [Justice Administration] CRIME CONTROL AND PREVENTION;

8 (6) to advise the State's Attorneys' Coordination Council on the adoption of
9 regulations governing the administration of the Victim and Witness Protection and
10 Relocation Program established under Article 27, § 770 of the Code; [and]

11 (7) to advise the State's Attorneys' Coordinator on the administration of the
12 Victim and Witness Protection and Relocation Program;

13 (8) TO CREATE AND DEVELOP AT LEAST TWO SEPARATE
14 INFORMATIONAL PAMPHLETS NOTIFYING VICTIMS OF THE RIGHTS, SERVICES, AND
15 PROCEDURES PROVIDED UNDER ARTICLE 47 OF THE DECLARATION OF RIGHTS OR
16 ANY OTHER PROVISION OF THE CODE AS FOLLOWS:

17 (I) ONE PAMPHLET SHALL CONCERN THE RIGHTS, SERVICES AND
18 PROCEDURES RELATING TO THE PERIOD OF TIME BEFORE AND AFTER THE FILING
19 OF A CHARGING DOCUMENT OTHER THAN AN INDICTMENT OR INFORMATION IN
20 CIRCUIT COURT; AND

21 (II) A SECOND PAMPHLET SHALL CONCERN THE RIGHTS,
22 SERVICES, AND PROCEDURES RELATING TO THE PERIOD OF TIME AFTER THE
23 FILING OF AN INDICTMENT OR INFORMATION IN CIRCUIT COURT; AND

24 (9) IN CONSULTATION WITH THE ADMINISTRATIVE OFFICE OF THE
25 COURTS, TO DEVELOP A NOTIFICATION REQUEST FORM THROUGH WHICH A VICTIM
26 MAY REQUEST TO BE NOTIFIED UNDER ARTICLE 27, § 773 OF THE CODE.

27 9-1708.

28 (a) The Office of [Justice Administration] CRIME CONTROL AND PREVENTION
29 shall adopt regulations that provide for the administration and award of grants under this
30 title.

31 (b) Grant applications that are approved by the Office of [Justice
32 Administration] CRIME CONTROL AND PREVENTION shall be submitted to the Board
33 for final approval before the release of any moneys from the Fund.

34 **Chapter 396 of the Acts of 1995**

35 SECTION 3. AND BE IT FURTHER ENACTED, That the changes made to
36 Article 26A, § 17 of the Code by Section 1 of this Act shall take effect October 1, 1995
37 [and shall remain effective for a period of one year and, at the end of September 30,
38 1996, with no further action required by the General Assembly, shall be abrogated and of
39 no further force and effect].

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 1996.