

---

**By: Senator Stone (Task Force to Examine Maryland's Crime Victims' Rights Laws)**  
**and ~~Senator Miller~~ Senators Miller, Colburn, Ferguson, Forehand, Green, Haines,**  
**Jimeno, Kelley, and Middlebrooks**

Introduced and read first time: February 7, 1996

Assigned to: Rules

Re-referred to: Judicial Proceedings, February 14, 1996

---

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 6, 1996

---

CHAPTER \_\_\_\_\_

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; altering the composition of the Board; requiring the State's  
11 Attorney to mail or otherwise deliver to the victim a notification request form within  
12 a certain period of time after the filing or unsealing of an indictment or information  
13 in circuit court or on the filing of a petition alleging delinquency in certain cases;  
14 requiring the State's Attorney to certify certain information to the clerk of the  
15 circuit court; designating the State's Attorney to receive a completed notification  
16 request form from a victim; requiring the State's Attorney to send a copy of the  
17 completed notification request form to the clerk; providing for the effect of filing a  
18 notification request form by a victim; authorizing a victim to designate a person or  
19 organization to receive notice for the victim under certain circumstances; requiring  
20 the State's Attorney, under certain circumstances, to send to the victim prior notice  
21 of certain proceedings; authorizing the State's Attorney, under certain  
22 circumstances, to request the clerk to send the notice to the victim; requiring the  
23 State's Attorney, under certain circumstances, to advise the victim of certain  
24 proceedings; authorizing the State's Attorney, under certain circumstances, to give  
25 the victim certain information; requiring the clerk, under certain circumstances, to

2  
1 include certain information with a commitment order; requiring the clerk, under  
2 certain circumstances, to send certain information to the Attorney General and a  
3 certain court; establishing procedures by which a victim may elect not to receive  
4 notice under this Act; authorizing a victim to file a notification request form with a  
5 department or facility to which the defendant has been committed; repealing the  
6 termination date for certain court costs; defining certain terms; making certain  
7 technical changes; and generally relating to victims' rights notification procedures.

8 BY repealing and reenacting, with amendments,  
9 Article 26A - Criminal Injuries Compensation Act  
10 Section 17  
11 Annotated Code of Maryland  
12 (1994 Replacement Volume and 1995 Supplement)

13 BY adding to  
14 Article 27 - Crimes and Punishments  
15 Section 773  
16 Annotated Code of Maryland  
17 (1992 Replacement Volume and 1995 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article - State Government  
20 Section 9-1701 through 9-1703, 9-1704(a)(1) and (2)(iv) and (v), 9-1705, and  
21 9-1708  
22 Annotated Code of Maryland  
23 (1995 Replacement Volume)

24 BY repealing and reenacting, with amendments,  
25 Chapter 396 of the Acts of the General Assembly of 1995  
26 Section 3

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

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

30 17.

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

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

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

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

36 (iii) A crime at common law.

3

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

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

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

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

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

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

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

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

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

27 (2) For fees collected under subsection (d) of this section in excess of  
28 \$500,000 IN EACH FISCAL YEAR, the Comptroller shall deposit the entire fee into the  
29 Criminal Injuries Compensation Fund.

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

32 **Article 27 - Crimes and Punishments**

33 773.

34 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
35 INDICATED.

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

4

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

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

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

5 (II) AT THE TRIAL LEVEL, THE ATTORNEY GENERAL OR THE  
6 ATTORNEY GENERAL'S DESIGNEE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (4) WHETHER OR NOT THE VICTIM HAS FILED A NOTIFICATION  
23 REQUEST FORM UNDER SUBSECTION (D) OF THIS SECTION, IF THE VICTIM  
24 REQUESTS SUCH INFORMATION, NOTHING MAY PRECLUDE THE STATE'S ATTORNEY  
25 FROM GIVING THE VICTIM INFORMATION CONCERNING THE CURRENT STATUS OF  
26 THE CASE.

27 (F) IF A COMMITMENT ORDER IS ISSUED AFTER A VICTIM HAS FILED A  
28 NOTIFICATION REQUEST FORM UNDER SUBSECTION (D) OF THIS SECTION, THE  
29 CLERK SHALL INCLUDE A COPY OF THE NOTIFICATION REQUEST FORM WITH THE  
30 COMMITMENT ORDER.

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

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

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

40 (2) IF A COMMITMENT ORDER HAS BEEN ISSUED IN THE CASE, THE  
41 DEPARTMENT OR FACILITY SPECIFIED IN THE COMMITMENT ORDER TO WHICH THE  
42 DEFENDANT HAS BEEN COMMITTED.

6

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

4 **Article - State Government**

5 9-1701.

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

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

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

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

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

15 (e) "Fund" means the Maryland Victims of Crime Fund established under Article  
16 27, § 764 of the Code.

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

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

23 9-1702.

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

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

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

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

7

1 9-1703.

2           There is in the Governor's Office of [Justice Administration,] CRIMECONTROL  
3 AND PREVENTION, created by Executive Order [01.01.1992.02,] 01.01.1995.18, or in any  
4 successor unit, a State Board of Victim Services.

5 9-1704.

6           (a) (1) The Board consists of [17] 22 members who shall serve without  
7 compensation.

8           (2) The Board shall consist of:

9                           (iv) [3] 6 members of the public, appointed by the Governor, on the  
10 recommendation of the Executive Director;

11                           (v) [2] 4 professional victim service providers, appointed by the  
12 Governor, on recommendation of the Executive Director;

13 9-1705.

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

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

18                   (2) to monitor service needs of victims;

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

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

22                           (ii) to review and approve Victim Services Coordinator plans, annual  
23 reports, and the implementation, operation, and revision of programs by the Victim  
24 Services Coordinator;

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

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

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

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

36                           (I) ONE PAMPHLET SHALL CONCERN THE RIGHTS, SERVICES AND  
37 PROCEDURES RELATING TO THE PERIOD OF TIME BEFORE AND AFTER THE FILING

8

1 OF A CHARGING DOCUMENT OTHER THAN AN INDICTMENT OR INFORMATION IN  
2 CIRCUIT COURT; AND

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

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

9 9-1708.

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

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

16 **Chapter 396 of the Acts of 1995**

17 SECTION 3. AND BE IT FURTHER ENACTED, That the changes made to  
18 Article 26A, § 17 of the Code by Section 1 of this Act shall take effect October 1, 1995  
19 [and shall remain effective for a period of one year and, at the end of September 30,  
20 1996, with no further action required by the General Assembly, shall be abrogated and of  
21 no further force and effect].

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