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**By: Delegates Faulkner, Beck, O'Donnell, Leopold, B. Hughes, Ciliberti, Cryor, Jacobs, Stocksdale, DeCarlo, Minnick, M. Burns, Morgan, Conroy, and Snodgrass**

Introduced and read first time: January 30, 1997

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

**2 Plea Bargain Agreements - Justification to Court and Notice to Crime Victims**

3 FOR the purpose of prohibiting a State's Attorney from entering into a plea bargain  
4 agreement if the defendant is charged with certain crimes; establishing an exception  
5 to the prohibition if the State's Attorney submits a written justification for the plea  
6 bargain agreement at a certain time; establishing that if a State's Attorney enters  
7 into a plea bargain agreement in connection with certain crimes, the State's  
8 Attorney shall notify in writing certain crime victims of the date and time of the trial  
9 court proceeding in which the agreement will be presented; requiring a notice under  
10 this Act to be issued no later than a certain date; establishing that certain crime  
11 victims shall have the right to address the court under certain circumstances;  
12 defining certain terms; requiring the Department of Public Safety and Correctional  
13 Services to make certain copies available to certain persons; providing for the  
14 construction of this Act; and generally relating to plea bargain agreements.

15 BY adding to

16 Article 27 - Crimes and Punishments  
17 Section 592A and 848A  
18 Annotated Code of Maryland  
19 (1996 Replacement Volume)

20 BY repealing and reenacting, without amendments,

21 Article 27 - Crimes and Punishments  
22 Section 847(c)  
23 Annotated Code of Maryland  
24 (1996 Replacement Volume)

25 BY repealing and reenacting, with amendments,

26 Article 27 - Crimes and Punishments  
27 Section 849  
28 Annotated Code of Maryland  
29 (1996 Replacement Volume)

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

3 **Article 27 - Crimes and Punishments**

4 592A.

5 (A) IN THIS SECTION, "PLEA BARGAIN AGREEMENT" MEANS AN AGREEMENT  
6 BETWEEN A DEFENDANT OR THE DEFENDANT'S ATTORNEY AND THE STATE'S  
7 ATTORNEY THAT THE DEFENDANT WILL PLEAD GUILTY TO A CHARGE OR CHARGES  
8 IN EXCHANGE FOR THE STATE'S ATTORNEY'S:

9 (1) RECOMMENDATIONS TO THE COURT OF A SENTENCE WHICH IS LESS  
10 THAN THE MAXIMUM PENALTY OR PENALTIES FOR THE CHARGE OR CHARGES;

11 (2) PROMISE TO MAKE NO RECOMMENDATIONS TO THE COURT  
12 REGARDING THE SENTENCE;

13 (3) PROMISE TO ENTER A NOLLE PROSEQUI TO A CHARGE OR CHARGES  
14 CARRYING GREATER STATUTORY PENALTIES; OR

15 (4) PROMISE TO PLACE A CHARGE OR CHARGES CARRYING GREATER  
16 STATUTORY PENALTIES ON THE STET DOCKET.

17 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE  
18 STATE'S ATTORNEY MAY NOT ENTER INTO A PLEA BARGAIN AGREEMENT IF THE  
19 DEFENDANT IS CHARGED WITH A CRIME OF VIOLENCE, AS DEFINED IN § 643B OF  
20 THIS ARTICLE.

21 (2) THE STATE'S ATTORNEY MAY ENTER INTO A PLEA BARGAIN  
22 AGREEMENT IF, PRIOR TO PRESENTING THE AGREEMENT TO THE COURT, THE  
23 STATE'S ATTORNEY SUBMITS TO THE COURT A WRITTEN JUSTIFICATION FOR  
24 ENTERING INTO THE AGREEMENT.

25 (C) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A DEFENDANT  
26 FROM PLEADING GUILTY TO A CRIMINAL CHARGE, PROVIDED THAT THERE IS NO  
27 PLEA BARGAIN AGREEMENT.

28 847.

29 (c) "Crime victim" means an individual who suffers direct or threatened physical,  
30 emotional, or financial harm as a result of a crime and includes family members of a  
31 minor, incompetent, or a homicide victim.

32 848A.

33 (A) (1) IN THIS SECTION, "CRIME VICTIM", IF THE CRIME RESULTS IN THE  
34 DEATH OR DISABILITY OF A CRIME VICTIM, INCLUDES THE DECEDENT'S OR  
35 DISABLED PERSON'S:

36 (I) SPOUSE;

37 (II) PARENT OR LEGAL GUARDIAN;

38 (III) CHILD; OR

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1 (IV) SIBLING.

2 (2) "CRIME VICTIM" DOES NOT INCLUDE A VICTIM AS DEFINED BY §  
3 3-801 OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE.

4 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF THE STATE'S  
5 ATTORNEY ENTERS INTO A PLEA BARGAIN AGREEMENT, AS DEFINED IN § 592A OF  
6 THIS ARTICLE, IN CONNECTION WITH A CRIME OF VIOLENCE, AS DEFINED IN § 643B  
7 OF THIS ARTICLE, THE STATE'S ATTORNEY SHALL NOTIFY IN WRITING THE CRIME  
8 VICTIM OR CRIME VICTIMS OF THE DATE AND TIME OF THE TRIAL COURT  
9 PROCEEDING IN WHICH THE AGREEMENT WILL BE PRESENTED.

10 (2) A NOTICE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION  
11 SHALL BE ISSUED NO LATER THAN 10 DAYS BEFORE THE SCHEDULED DATE OF THE  
12 PROCEEDING.

13 (C) A CRIME VICTIM DESCRIBED IN SUBSECTION (B) OF THIS SECTION SHALL  
14 HAVE THE RIGHT TO ADDRESS THE COURT AT THE TIME A PLEA BARGAIN  
15 AGREEMENT IS PRESENTED TO THE COURT.

16 (D) THIS SECTION MAY NOT BE CONSTRUED TO ALLOW A CRIME VICTIM TO:

17 (1) PARTICIPATE AS A PARTY IN A CRIMINAL JUSTICE PROCEEDING;

18 (2) CONTEST THE DISPOSITION OR FINDING OF ANY CHARGE OR FINAL  
19 DETERMINATION IN A CRIMINAL JUSTICE PROCEEDING; OR

20 (3) TAKE ANY ACTION TO STOP OR OTHERWISE IMPEDE A PENDING  
21 CRIMINAL PROSECUTION IN A MANNER THAT COULD AFFECT THE RIGHT OF AN  
22 ACCUSED PERSON TO A SPEEDY TRIAL.

23 849.

24 (A) The Department of Public Safety and Correctional Services shall be  
25 responsible for [making the guidelines available to the agencies involved]:

26 (1) PRINTING COPIES OF §§ 848 AND 848A OF THIS SUBHEADING;

27 (2) DISTRIBUTING THE COPIES TO THE OFFICE OF THE STATE'S  
28 ATTORNEY IN EACH COUNTY; AND

29 (3) MAKING THE COPIES AVAILABLE TO CRIME VICTIMS AND  
30 WITNESSES.

31 (B) To the extent feasible, the [guidelines] COPIES DESCRIBED IN SUBSECTION  
32 (A) OF THIS SECTION shall be printed by the inmates employed by State Use Industries.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
34 October 1, 1997.