

CF 7r1174

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Introduced and read first time: January 31, 1997

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 1997

CHAPTER _____

1 AN ACT concerning

2 **Victims' Rights Act of 1997**

3 FOR the purpose of establishing that certain evidence relating to a victim's prior sexual
 4 conduct is not admissible in a prosecution for attempted rape or attempted sexual
 5 offense in the first or second degree; requiring the Maryland Parole Commission to
 6 notify certain victims, in writing, within a certain period of time prior to entering
 7 into or approving a predetermined parole release agreement with an inmate;
 8 prohibiting the Maryland Parole Commission from entering into a predetermined
 9 parole release agreement unless it has notified the victim under this Act; expanding
 10 certain victims' rights laws to include juvenile proceedings and victims who file a
 11 notification request form; authorizing a District Court commissioner or an intake
 12 officer, under certain circumstances, to impose certain conditions of pretrial release
 13 on a defendant; expanding the requirement that a District Court commissioner
 14 consider a certain condition of pretrial release in a stalking case to apply to any
 15 criminal case felony; and requiring a juvenile intake officer to consider a certain
 16 condition when releasing certain juveniles pretrial; requiring the clerk, under
 17 certain circumstances, to include a copy of a notification request form with a
 18 probation order; authorizing, under certain circumstances, certain judicial officers

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1 or a law enforcement officer, to withhold the release prior to trial of certain
2 information relating to a victim or witness; providing that only the State may make
3 a motion to prohibit the release of certain information during a criminal trial;
4 limiting the number of attorneys that may be present when a child testifies by closed
5 circuit television, when a judge hears testimony on whether to allow a child to testify
6 by closed circuit television, or at an in camera examination to determine whether to
7 admit an out of court statement by a child; limiting the number of attorneys that
8 may question the child in a criminal, juvenile delinquency, or child in need of
9 assistance case; ~~authorizing a victim who files a notification request form and a~~
10 ~~State's Attorney to file a leave to appeal an order that denies or fails to consider~~
11 ~~certain victims' rights; expanding the rights from which the appeal may be filed to~~
12 ~~include the right to address a jury in a death penalty sentencing and the right to~~
13 ~~prepare a victim impact statement; prohibiting the stay of a sentencing or~~
14 ~~disposition hearing when an appeal is filed under this Act; authorizing the court,~~
15 ~~under certain terms, to stay certain proceedings from which an appeal has been~~
16 ~~filed; specifying the parties to a leave to appeal filed under this Act; establishing the~~
17 circumstances under which a victim or a victim's representative may address the
18 judge before the imposition of a sentence or disposition; establishing the right of a
19 victim's representative, subject to certain conditions, to address the jury in a death
20 penalty sentencing; requiring a victim impact statement to identify certain
21 information relating to contact between the defendant and the victim; expanding
22 the requirement that a victim be notified of certain postsentencing proceedings to
23 include victims of certain crimes who suffer direct or threatened physical,
24 emotional, or financial harm as a direct result of a crime or delinquent act;
25 requiring the Department of Public Safety and Correctional Services to notify
26 certain victims of violent crime if the defendant or inmate has been found guilty of
27 violating a condition of parole or mandatory supervision or if a warrant or subpoena
28 is issued for the defendant or inmate; transferring from the Maryland Parole
29 Commission to the Department of Public Safety and Correctional Services the
30 responsibility of receiving and sending certain notices; altering a certain time period
31 for providing a certain notice; requiring a commitment agency, under certain
32 circumstances, to notify the victim of certain information and events concerning the
33 defendant; prohibiting a commitment agency from disclosing to a defendant certain
34 information regarding the victim; ~~prohibiting a law enforcement agency from~~
35 ~~charging a victim for a copy of an incident report in a domestic violence case when~~
36 ~~a law enforcement officer responds to a request for assistance;~~ requiring the written
37 notice given to a victim by a law enforcement officer who responds to a request for
38 assistance in a domestic violence case to inform the victim of the right to obtain a
39 copy of the incident report; altering the circumstances under which compliance with
40 a judgment of restitution shall be required; eliminating a certain time period for
41 holding certain restitution hearings; providing the Department of Juvenile Justice
42 with certain responsibilities concerning certain restitution judgements; requiring all
43 moneys collected from a judgment of restitution to be treated as abandoned
44 property if a victim cannot be located; requiring a delinquent restitution account to
45 be referred to the Central Collection Unit if the probation or other supervision is
46 terminated and restitution is still owed; expanding the availability of benefits from
47 the Criminal Injuries Compensation Fund to victims who suffer psychological injury
48 as a direct result of a crime felony; ~~altering the standard of judgment certain~~

1 ~~claimants are required to prove in order to recover from the Criminal Injuries~~
 2 ~~Compensation Fund~~; expanding the right to request HIV testing of offenders to
 3 include a ~~law enforcement officer who was~~ certain persons who were performing
 4 official duties at the time of suspected exposure; expanding the means by which a
 5 person may be considered to be exposed to HIV; authorizing a victim who receives
 6 notification of the results of an HIV test to disclose the results to an organization to
 7 protect the health and safety of, or to seek compensation for certain purposes;
 8 requiring the Patuxent Board of Review to give a victim a reasonable opportunity to
 9 present oral testimony in a certain manner before the Board decides whether to
 10 grant work release, leave status, or parole to an eligible person; increasing the
 11 circumstances under which a victim may request that an inmate be prohibited from
 12 having any contact with the victim; requiring a hearing examiner or member of the
 13 Maryland Parole Commission to consider certain factors before entering into a
 14 predetermined parole release agreement; requiring the Department of Public Safety
 15 and Correctional Services to notify a victim of a violent crime, at the victim's
 16 request, of certain events involving the person convicted of the violent crime; adding
 17 the issuance of a warrant or subpoena for an alleged violation of parole or
 18 mandatory supervision to the types of events of which a victim must be notified;
 19 specifying that the provisions relating to confidentiality of juvenile records does not
 20 prohibit a victim who has filed a notification request form from being notified of
 21 certain proceedings involving the defendant; prohibiting the court after a defendant
 22 has been found incompetent to stand trial from dismissing a charge without
 23 providing the State's Attorney and a victim who has filed a notification request form
 24 advance notice and an opportunity to be heard; making certain stylistic, technical,
 25 and conforming changes; establishing and altering certain definitions; and generally
 26 relating to victims' rights in criminal and juvenile proceedings.

27 BY repealing and reenacting, with amendments,

28 Article 27 - Crimes and Punishments
 29 Section 461A, 616 1/2(k), 700G, 760, 762, 763, 768 through 770, ~~772 through~~ 774,
 30 ~~775(f)(2), 776,~~ 780, 781, 784, 786, 787, 791, 792(b), 799, 800, 806, ~~807, 809~~
 31 through 812, 815(d) and (f), 825(e)(2), 837(f), 842(b)(7), 854(k), and 855
 32 Annotated Code of Maryland
 33 (1996 Replacement Volume)

34 BY adding to

35 Article 27 - Crimes and Punishments
 36 Section 771, 780A, 783A, 788, 789, and 805A
 37 Annotated Code of Maryland
 38 (1996 Replacement Volume)

39 BY repealing

40 Article 27 - Crimes and Punishments
 41 Section 808
 42 Annotated Code of Maryland
 43 (1996 Replacement Volume)

4

1 BY repealing and reenacting, with amendments,
2 Article 19 - Comptroller
3 Section 43
4 Annotated Code of Maryland
5 (1996 Replacement Volume)

6 BY repealing and reenacting, with amendments,
7 Article 31B - Patuxent Institution
8 Section 10(b) and 11(c)
9 Annotated Code of Maryland
10 (1993 Replacement Volume and 1996 Supplement)

11 BY repealing and reenacting, without amendments,
12 Article 41 - Governor - Executive and Administrative Departments
13 Section 4-504(a)(2)
14 Annotated Code of Maryland
15 (1993 Replacement Volume and 1996 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article 41 - Governor - Executive and Administrative Departments
18 Section 4-504(d), 4-506, 4-511(f), 4-511A, and 4-612(i)
19 Annotated Code of Maryland
20 (1993 Replacement Volume and 1996 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article - Courts and Judicial Proceedings
23 Section 3-828
24 Annotated Code of Maryland
25 (1995 Replacement Volume and 1996 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article - Health - General
28 Section 12-106 and 12-122
29 Annotated Code of Maryland
30 (1994 Replacement Volume and 1996 Supplement)

31 BY repealing and reenacting, with amendments,
32 Article - State Finance and Procurement
33 Section 3-305
34 Annotated Code of Maryland
35 (1995 Replacement Volume and 1996 Supplement)

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

5

1 **Article 27 - Crimes and Punishments**

2 461A.

3 (a) Evidence relating to a victim's reputation for chastity and opinion evidence
 4 relating to a victim's chastity are not admissible in any prosecution for commission of a
 5 [rape or] RAPE, sexual offense in the first or second [degree] DEGREE, OR
 6 ATTEMPTED RAPE OR ATTEMPTED SEXUAL OFFENSE IN THE FIRST OR SECOND
 7 DEGREE. Evidence of specific instances of the victim's prior sexual conduct may be
 8 admitted only if the judge finds the evidence is relevant and is material to a fact in issue
 9 in the case and that its inflammatory or prejudicial nature does not outweigh its probative
 10 value, and if the evidence is:

11 (1) Evidence of the victim's past sexual conduct with the defendant; or

12 (2) Evidence of specific instances of sexual activity showing the source or
 13 origin of semen, pregnancy, disease, or trauma; or

14 (3) Evidence which supports a claim that the victim has an ulterior motive in
 15 accusing the defendant of the crime; or

16 (4) Evidence offered for the purpose of impeachment when the prosecutor
 17 puts the victim's prior sexual conduct in issue.

18 (b) Any evidence described in subsection (a) of this section, may not be referred
 19 to in any statements to a jury nor introduced at trial without the court holding a prior in
 20 camera hearing to determine the admissibility of the evidence. If new information is
 21 discovered during the course of the trial that may make the evidence described in
 22 subsection (a) admissible, the court may order an in camera hearing to determine the
 23 admissibility of the proposed evidence under subsection (a).

24 616 1/2.

25 (k) If a defendant is charged with ~~stalking under § 121B of this article~~ ~~A~~
 26 ~~CRIME, A FELONY, OR A DELINQUENT ACT COMMITTED BY A CHILD THAT WOULD~~
 27 ~~BE A FELONY IF COMMITTED BY AN ADULT~~ and is released pretrial, the court,
 28 ~~JUVENILE INTAKE OFFICER~~, or District Court commissioner shall consider including as
 29 a condition of release reasonable protections for the safety of the alleged victim.

30 700G.

31 (a) In this section, the term "predetermined parole release agreement" means an
 32 agreement between the Commissioner of Correction, the Maryland Parole Commission,
 33 and an inmate for release on parole of the inmate at a predetermined time if, during the
 34 period of his confinement, he fulfills the conditions specified in the agreement.

35 (b) In accordance with Article 41, § 4-504, the Maryland Parole Commission may
 36 negotiate and enter into a predetermined parole release agreement with an inmate under
 37 the jurisdiction of the Commission. The agreement may provide for the release of the
 38 inmate on parole at a predetermined time if, during the period of his confinement, the
 39 inmate participates in the programs designated by the Commission and otherwise fulfills
 40 the conditions specified in the agreement.

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1 (c) This section does not affect any diminution of sentence earned under §§ 700,
2 700A, 718, and 725 of this article.

3 (D) (1) IF A VICTIM HAS FILED A NOTIFICATION REQUEST FORM UNDER §
4 770 OF THIS ARTICLE, THE MARYLAND PAROLE COMMISSION, IF PRACTICABLE,
5 ~~SHALL NOTIFY THE VICTIM, IN WRITING, AT LEAST 90~~ IN WRITING AT LEAST 60 DAYS
6 PRIOR TO ENTERING INTO OR APPROVING A PREDETERMINED PAROLE RELEASE
7 AGREEMENT WITH THE INMATE.

8 (2) THE MARYLAND PAROLE COMMISSION MAY NOT ENTER INTO A
9 PREDETERMINED PAROLE RELEASE AGREEMENT UNLESS IT HAS NOTIFIED THE
10 VICTIM UNDER PARAGRAPH (1) OF THIS SUBSECTION.

11 760.

12 (a) In this subheading the following terms have the meanings indicated.

13 (B) "DEFENDANT" MEANS A PERSON WHO IS CHARGED WITH A CRIME OR A
14 CHILD WHO IS ALLEGED TO HAVE COMMITTED A DELINQUENT ACT.

15 [(b)] (C) "Official proceeding" includes a criminal trial, a hearing related to a
16 criminal trial OR ADJUDICATORY HEARING, a grand jury proceeding, and any other
17 proceeding that is part of a criminal action OR DELINQUENCY CASE.

18 [(c)] (D) "Victim" means any person against whom a crime OR DELINQUENT
19 ACT has been committed or attempted.

20 [(d)] (E) "Witness" means any person who:

21 (1) Has knowledge of the existence of facts relating to a crime OR
22 DELINQUENT ACT;

23 (2) Makes a declaration under oath that is received as evidence for any
24 purpose;

25 (3) Has reported a crime OR DELINQUENT ACT to a law enforcement
26 officer, prosecutor, INTAKE OFFICER, correctional officer, or judicial officer; or

27 (4) Has been served with a subpoena issued under the authority of a court
28 of this State, of any other state, or of the United States.

29 762.

30 (a) A person may not intentionally harm or injure any person or damage or
31 destroy any property with the intent of retaliating against a victim or witness for giving
32 testimony in an official proceeding or for reporting a crime OR DELINQUENT ACT.

33 (b) A person who violates this section is guilty of a misdemeanor and upon
34 conviction shall be sentenced to imprisonment for not more than 5 years.

35 763.

36 (a) In this section a finding of good cause may be based upon any relevant
37 evidence including credible hearsay.

7

1 (b) A court with jurisdiction over a criminal matter OR DELINQUENCY CASE
2 may, for good cause shown, issue any order that is reasonably necessary to stop or prevent
3 the intimidation of a victim or witness or a violation of § 27 of this article or § 761 or § 762
4 of this subheading. This authority includes the power to:

5 (1) Order any person not to violate the provisions of § 27 of this article or §
6 761 or § 762 of this subheading;

7 (2) Order any person to maintain a certain physical distance from any other
8 person specified by the court;

9 (3) Prohibit any person from communicating with any other person specified
10 by the court, except through an attorney or other individual specified by the court; ~~and~~

11 (4) ORDER OTHER REASONABLE CONDITIONS TO ENSURE THE SAFETY
12 OF A VICTIM OR WITNESS; AND

13 ~~(4)~~ (5) Hold a hearing to determine if an order should be issued under
14 this section.

15 (c) (1) The court may use its contempt power to enforce an order issued under
16 this section.

17 (2) If a defendant violates an order issued under this section the court may
18 revoke the defendant's pretrial release in order to ensure the safety of a victim or witness
19 or the integrity of the judicial process.

20 (D) A DISTRICT COURT COMMISSIONER OR AN INTAKE OFFICER, AS DEFINED
21 IN § 3-801(O) OF THE COURTS ARTICLE, MAY, FOR GOOD CAUSE SHOWN, IMPOSE ONE
22 OR MORE OF THE CONDITIONS DESCRIBED IN ~~PARAGRAPHS (1) THROUGH (3) OF~~
23 ~~SUBSECTION (B)~~ SUBSECTION (B)(1) THROUGH (4) OF THIS SECTION AS A CONDITION
24 OF THE PRETRIAL RELEASE OF A DEFENDANT.

25 768.

26 As provided under § 616 1/2 of this article the court, JUVENILE INTAKE OFFICER,
27 or district court commissioner shall consider the safety of the alleged victim as a condition
28 of the pretrial release of a defendant charged with ~~[stalking] A CRIME, A FELONY, OR A~~
29 DELINQUENT ACT COMMITTED BY A CHILD THAT WOULD BE A FELONY IF
30 COMMITTED BY AN ADULT.

31 769.

32 As provided under § 12-122 of the Health - General Article, a victim of a crime of
33 violence OR A VICTIM WHO HAS FILED A NOTIFICATION REQUEST FORM UNDER § 770
34 OF THIS ~~ARTICLE~~ SUBHEADING shall be notified by the Department of Health and
35 Mental Hygiene when the Department receives a court order to examine a defendant to
36 determine whether the defendant was not criminally responsible and whether the
37 defendant is competent to stand trial.

38 770.

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

8

1 (2) "Victim" means an individual who suffers direct or threatened physical,
2 emotional, or financial harm as a direct result of a crime or delinquent act, including a
3 family member or guardian of a minor, incompetent, or homicide victim.

4 (3) "Clerk" means the clerk of a circuit court or the clerk of a court sitting
5 as the juvenile court, as the context requires.

6 (4) "State's Attorney" includes:

7 (i) The State's Attorney's designee; and

8 (ii) At the trial level, the Attorney General or the Attorney General's
9 designee.

10 (b) On first contact with a victim, a law enforcement officer, District Court
11 commissioner, or juvenile intake officer shall give the victim a copy of the pamphlet
12 described in § 841(8)(i) of this article.

13 (c) (1) Within 10 days after the later of the filing or the unsealing of an
14 indictment or information in circuit court, the State's Attorney shall:

15 (i) Mail or otherwise deliver to the victim a copy of the pamphlet
16 described in § 841(8)(ii) of this article;

17 (ii) Mail or otherwise deliver to the victim a copy of the notification
18 request form described in § 841(9) of this article; and

19 (iii) Certify to the clerk that the State's Attorney has complied with the
20 requirements in items (i) and (ii) of this paragraph or is unable to identify the victim.

21 (2) On the filing of a petition alleging delinquency in a case in which the
22 child is alleged to have committed an act that could only be tried in the circuit court if
23 committed by an adult, the State's Attorney shall:

24 (i) Inform the victim of the right to request restitution under ~~§ 808~~ §
25 807 of this article;

26 (ii) Mail or otherwise deliver to the victim a copy of the notification
27 request form described in § 841(9) of this article; and

28 (iii) Certify to the clerk that the State's Attorney has complied with the
29 requirements in items (i) and (ii) of this paragraph or is unable to identify the victim.

30 (d) (1) On completion of a notification request form OBTAINED FROM THE
31 STATE'S ATTORNEY UNDER SUBSECTION (C) OF THIS SECTION, the victim may file the
32 form with the State's Attorney.

33 (2) On receipt of a completed notification request form by the State's
34 Attorney, the State's Attorney shall send a copy of the form to the clerk.

35 (3) The filing of a notification request form by a victim constitutes
36 compliance with Article 47 of the Declaration of Rights or any other provision of the
37 Code that requires a victim to request notification.

9

1 (4) A victim who files a notification request form and does not want his or
2 her address to be made public shall designate in a notification request form a person or
3 organization who has consented to receive notice for the victim.

4 (e) (1) If a victim has filed a notification request form under subsection (d) of
5 this section, the State's Attorney shall send to the victim prior notice, if practicable, of all
6 court proceedings in the case.

7 (2) If the case is in a jurisdiction in which the office of the clerk is equipped
8 with an automated filing system, nothing in this subsection precludes the State's Attorney
9 from requesting the clerk to send the notice required under paragraph (1) of this
10 subsection.

11 (3) After a victim has filed a notification request form under subsection (d)
12 of this section and if prior notice to the victim is not practicable, or if the victim is not
13 present at the proceeding, the State's Attorney shall, as soon after the proceeding as
14 practicable, advise the victim of all proceedings that affect the victim's interests, including
15 a bail hearing or change in the defendant's pretrial release order, dismissal, nolle
16 prosequi or setting of charges, trial, disposition, or post-sentencing court proceeding.

17 (4) Whether or not the victim has filed a notification request form under
18 subsection (d) of this section, if the victim requests such information, nothing may
19 preclude the State's Attorney from giving the victim information concerning the current
20 status of the case.

21 (f) (1) If a commitment order is issued after a victim has filed a notification
22 request form under subsection (d) of this section, the clerk shall include a copy of the
23 notification request form with the commitment order.

24 (2) IF A PROBATION ORDER IS ISSUED AFTER A VICTIM HAS FILED A
25 NOTIFICATION REQUEST FORM UNDER SUBSECTION (D) OF THIS SECTION, THE
26 CLERK SHALL INCLUDE A COPY OF THE NOTIFICATION REQUEST FORM WITH THE
27 PROBATION ORDER.

28 (g) If an appeal is filed in a case in which a victim has filed a notification request
29 form under subsection (d) of this section, the clerk shall send a copy of the notification
30 request form to the Attorney General and the court to which the case has been appealed.

31 (h) At any time after filing a notification request form under subsection (d) of this
32 section, a victim may elect not to receive any further notices by filing a written request
33 with:

34 (1) If the case is still in the circuit court or the juvenile court, the State's
35 Attorney; or

36 (2) If a commitment order has been issued in the case, the department or
37 facility specified in the commitment order to which the defendant has been committed.

38 (i) This section does not prohibit a victim from filing a notification request form
39 with a department or facility to which a defendant has been committed.

10

1 771.

2 ON REQUEST OF A PARTY, VICTIM, OR WITNESS OF AN ALLEGED CRIME OR
3 ~~DELINQUENT ACT~~ THE STATE OR A VICTIM OF OR A WITNESS TO A FELONY OR
4 DELINQUENT ACT THAT WOULD BE A FELONY IF COMMITTED BY AN ADULT, A
5 JUDGE, STATE'S ATTORNEY, DISTRICT COURT COMMISSIONER, INTAKE OFFICER, OR
6 LAW ENFORCEMENT OFFICER MAY WITHHOLD THE RELEASE OF THE ADDRESS OR
7 TELEPHONE NUMBER OF THE VICTIM OR WITNESS PRIOR TO THE TRIAL OR
8 ADJUDICATORY HEARING, UNLESS A JUDGE DETERMINES THAT, ~~UNDER THE~~
9 ~~PARTICULAR CIRCUMSTANCES, THE INFORMATION IS NECESSARY AND RELEVANT~~
10 GOOD CAUSE HAS BEEN SHOWN FOR THE RELEASE OF THE INFORMATION.

11 772.

12 On motion of ~~either party or on request of~~ THE STATE OR ON REQUEST OF A
13 VICTIM OR a witness, during a criminal trial OR ADJUDICATORY HEARING, a judge may
14 prohibit the release of the address or telephone number of the victim or witness unless
15 the judge determines that, ~~under the particular circumstances, the information is~~
16 ~~necessary and relevant~~ GOOD CAUSE IS SHOWN FOR THE RELEASE OF THE
17 INFORMATION.

18 ~~773.~~

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

20 ~~(2) "DEFENDANT" INCLUDES:~~

21 ~~(I) A PERSON WHO IS CHARGED WITH A CRIME; AND~~

22 ~~(II) A CHILD WHO IS ALLEGED TO HAVE COMMITTED A~~
23 ~~DELINQUENT ACT.~~

24 ~~{(2)} (3) "Victim" means a person who:~~

25 ~~(i) Has testified as a witness; and~~

26 ~~(ii) Is] IS the victim of a crime [of violence under § 643B of this~~
27 ~~article or a crime involving, causing, or resulting in death or serious bodily harm] OR~~
28 ~~DELINQUENT ACT for which the defendant is being tried.~~

29 ~~{(3)} (4) "Representative" means a person who is:~~

30 ~~(i) [1. Subpoenaed or has testified; and~~

31 ~~2.] Selected by the next of kin or guardian of a person who is~~
32 ~~deceased or disabled as a result of a crime [of violence under § 643B of this article or a~~
33 ~~crime involving, causing, or resulting in death or serious bodily harm] OR DELINQUENT~~
34 ~~ACT; or~~

35 ~~(ii) Designated by the court in the event of a dispute over the~~
36 ~~representative.~~

37 ~~(5) "TRIAL" INCLUDES AN ADJUDICATORY HEARING AND ANY OTHER~~
38 ~~COURT PROCEEDING IN WHICH THE DEFENDANT HAS A RIGHT TO APPEAR.~~

11

1 ~~(b) A victim or representative shall be presumed to have the right to be present~~
 2 ~~[at] THROUGHOUT the trial.~~

3 ~~(c) The judge may sequester a victim or representative from any part of the trial~~
 4 ~~at the request of the defendant or the State only after a finding of good cause.~~

5 ~~(d) A judge may remove a victim or representative from the trial for the same~~
 6 ~~causes and in the same manner as the laws or rules of court provide for the exclusion or~~
 7 ~~removal of the defendant.~~

8 774.

9 (a) In a case of abuse of a child as defined in § 5-701 of the Family Law Article
 10 or § 35C of this article, a court may order that the testimony of a child victim be taken
 11 outside the courtroom and shown in the courtroom by means of closed circuit television
 12 if:

13 (1) The testimony is taken during the proceeding; and

14 (2) The judge determines that testimony by the child victim in the
 15 defendant's presence will result in the child suffering serious emotional distress such that
 16 the child cannot reasonably communicate.

17 (b) (1) Only the following persons may be in the room with the child when the
 18 child testifies by closed circuit television:

19 (i) ~~[The] ONE~~ prosecuting attorney;

20 (ii) ~~[The] ONE~~ attorney for the defendant ~~AND~~;

21 ~~(iii)~~ (III) ONE ATTORNEY FOR THE CHILD;

22 ~~(iii)~~ (IV) The operators of the closed circuit television equipment;
 23 and

24 ~~(iv)~~ (V) Subject to the Maryland Rules, any person whose presence,
 25 in the opinion of the court, contributes to the well-being of the child, including a person
 26 who has dealt with the child in a therapeutic setting concerning the abuse.

27 (2) During the child's testimony by closed circuit television, the judge and
 28 the defendant shall be in the courtroom.

29 (3) The judge and the defendant shall be allowed to communicate with the
 30 persons in the room where the child is testifying by any appropriate electronic method.

31 (4) ~~[Only the] IN A CRIMINAL OR JUVENILE DELINQUENCY CASE, ONLY~~
 32 ~~ONE~~ prosecuting attorney, ~~[the] ONE~~ attorney for any defendant, and the judge may
 33 question the child.

34 (5) ~~IN A CHILD IN NEED OF ASSISTANCE CASE, ONLY ONE ATTORNEY~~
 35 ~~FOR EACH PARTY AND THE JUDGE MAY QUESTION THE CHILD.~~

36 (c) (1) In determining whether testimony by the child victim in the defendant's
 37 presence will result in the child suffering serious emotional distress such that the child
 38 cannot reasonably communicate, the judge may observe and question the child either

12

1 inside or outside the courtroom and hear testimony of a parent or custodian of the child
2 or any other person, including a person who has dealt with the child in a therapeutic
3 setting.

4 (2) (i) Except as provided in subparagraph (ii)2 of this paragraph, any
5 defendant, [any defendant's attorney, and the prosecutor] ONE ATTORNEY FOR THE
6 DEFENDANT, ONE PROSECUTING ATTORNEY, AND ONE ATTORNEY FOR THE CHILD
7 shall have the right to be present when the judge hears testimony on whether to allow a
8 child victim to testify by closed circuit television.

9 (ii) If the judge decides to observe or question the child in connection
10 with the determination to allow closed circuit television:

11 1. [Any defendant's attorney and the prosecutor] ONE
12 ATTORNEY FOR THE DEFENDANT, ONE PROSECUTING ATTORNEY, AND ONE
13 ATTORNEY FOR THE CHILD shall have the right to be present; and

14 2. The judge may not permit a defendant to be present.

15 (d) The provisions of this section do not apply if the defendant is appearing pro
16 se.

17 (e) This section may not be interpreted to preclude, for purposes of identification
18 of a defendant, the presence of both the victim and the defendant in the courtroom at the
19 same time.

20 (f) This section may not be interpreted to permit the use of two-way closed
21 circuit television or any other procedure that would result in the child being exposed to
22 the defendant.

23 775.

24 (f) (2) (i) Except as provided in subparagraph (ii)2 of this paragraph, any
25 defendant, any defendant's attorney, and the prosecutor shall have the right to be present
26 when the court hears testimony on whether to admit into evidence an out of court
27 statement of a child under this section.

28 (ii) If the court is required to observe or question the child in
29 connection with the determination to admit into evidence the out of court statement:

30 1. [Any defendant's attorney and the] ONE ATTORNEY FOR
31 EACH DEFENDANT, ONE ATTORNEY FOR THE CHILD, AND ONE prosecutor shall have
32 the right to be present at the in camera examination; and

33 2. The judge may not permit a defendant to be present at the in
34 camera examination.

35 ~~776.~~

36 (a) ~~(1) In this section, ["victim of a violent crime"] THE FOLLOWING WORDS~~
37 ~~HAVE THE MEANINGS INDICATED:~~

38 ~~(2) "STATE'S ATTORNEY" HAS THE MEANING PROVIDED IN § 770 OF THIS~~
39 ~~ARTICLE.~~

13

1 ~~(3) (I) "VICTIM" means a victim of:~~

2 ~~[(i)] 1. A crime of violence as defined under § 643B of this article;~~
3 ~~for]~~

4 ~~2. A CRIME AS DEFINED UNDER § 770 OF THIS ARTICLE; OR~~

5 ~~[(ii)] 3. Except as provided in [paragraph (2) of this subsection,]~~
6 ~~SUBPARAGRAPH (II) OF THIS PARAGRAPH, a crime involving, causing, or resulting in~~
7 ~~death or serious bodily injury.~~

8 ~~[(2)] (II) ["Victim of a violent crime"] "VICTIM" does not include a victim~~
9 ~~of an offense that is not punishable by imprisonment under the Maryland Vehicle Law or~~
10 ~~under Title 8, Subtitle 7 of the Natural Resources Article ("State Boat Act").~~

11 ~~(b) (1) In the event of the death or disability of a victim [of a violent crime, the~~
12 ~~term "victim of a violent crime"], "VICTIM" includes the victim's:~~

13 ~~(i) Spouse or surviving spouse;~~

14 ~~(ii) Parent or legal guardian;~~

15 ~~(iii) Child; or~~

16 ~~(iv) Sibling.~~

17 ~~(2) If there is a dispute over who shall be the victim's representative, the~~
18 ~~court shall select a representative for the victim.~~

19 ~~(c) Although not a party to a criminal OR JUVENILE DELINQUENCY proceeding,~~
20 ~~the victim of the [violent] crime [for which the defendant is charged has the right to]~~
21 ~~OR DELINQUENT ACT OR THE STATE'S ATTORNEY MAY file an application for leave to~~
22 ~~appeal to the Court of Special Appeals from an interlocutory or final order that denies or~~
23 ~~fails to consider a right secured to that victim by [§ 773(b) or § 780] § 773(B), § 780, § 780A,~~
24 ~~OR § 781 of this subtitle or Article 41, § 4 609 of the Code.~~

25 ~~(d) [The] (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,~~
26 ~~THE filing of an application for leave to appeal under this section may not result in the~~
27 ~~stay of [other]:~~

28 ~~(I) OTHER proceedings in a criminal case IN WHICH THE VICTIM~~
29 ~~INVOKED OR ATTEMPTED TO INVOKE A RIGHT UNDER § 773(B) OF THIS subtitle~~
30 ~~without the consent of all of the parties; AND~~

31 ~~(II) A SENTENCE IN A CRIMINAL CASE OR A DISPOSITION IN A~~
32 ~~DELINQUENCY CASE.~~

33 ~~(2) A CIRCUIT COURT, THE COURT OF SPECIAL APPEALS, OR THE~~
34 ~~COURT OF APPEALS MAY STAY A PROCEEDING UNDER THE TERMS THE COURT~~
35 ~~CONSIDERS PROPER.~~

36 ~~(E) THE PARTIES TO A LEAVE TO APPEAL FILED UNDER THIS SECTION SHALL~~
37 ~~BE:~~

14

- 1 ~~(1) THE VICTIM;~~
- 2 ~~(2) IN A CRIMINAL CASE, THE DEFENDANT;~~
- 3 ~~(3) IN A DELINQUENCY CASE, THE CHILD ALLEGED TO BE DELINQUENT;~~
- 4 ~~AND~~
- 5 ~~(4) ON BEHALF OF THE STATE'S ATTORNEY, THE ATTORNEY GENERAL.~~

6 780.

7 [(a) In every case resulting in serious physical injury or death, the victim or a
8 member of the victim's immediate family, or if the victim is deceased, under a mental,
9 physical, or legal disability, or otherwise unable to provide the required information, the
10 personal representative, guardian, or committee, or other family member may, at the
11 request of the State's Attorney and in the discretion of the sentencing judge, address the
12 sentencing judge or jury under oath or affirmation before the imposition of sentence.]

13 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
14 INDICATED.

15 (2) "SENTENCING OR DISPOSITION HEARING" MEANS A HEARING AT
16 WHICH THE IMPOSITION OF A SENTENCE, DISPOSITION IN A JUVENILE
17 DELINQUENCY PROCEEDING, OR ALTERATION OF A SENTENCE OR DISPOSITION IN
18 A JUVENILE DELINQUENCY PROCEEDING IS CONSIDERED.

19 (3) "VICTIM'S REPRESENTATIVE" MEANS A MEMBER OF THE VICTIM'S
20 IMMEDIATE FAMILY, OR IF THE VICTIM IS DECEASED, UNDER A MENTAL, PHYSICAL,
21 OR LEGAL DISABILITY, OR OTHERWISE UNABLE TO PROVIDE THE REQUIRED
22 INFORMATION, THE PERSONAL REPRESENTATIVE, OR GUARDIAN OR OTHER
23 FAMILY MEMBER.

24 (B) IN THE SENTENCING OR DISPOSITION HEARING OF A CRIMINAL OR
25 JUVENILE CASE, THE COURT:

26 (1) SHALL, IF PRACTICABLE, PERMIT THE VICTIM OR THE VICTIM'S
27 REPRESENTATIVE ~~TO ADDRESS THE JUDGE OR JURY UNDER OATH OR~~
28 ~~AFFIRMATION UNDER OATH OR AFFIRMATION TO ADDRESS THE JUDGE~~ BEFORE
29 THE IMPOSITION OF SENTENCE OR OTHER DISPOSITION:

30 (I) AT THE REQUEST OF THE STATE'S ATTORNEY; OR

31 (II) IF THE VICTIM HAS FILED A NOTIFICATION REQUEST FORM
32 UNDER § 770 OF THIS ARTICLE; AND

33 (2) MAY PERMIT THE VICTIM OR THE VICTIM'S REPRESENTATIVE ~~TO~~
34 ~~ADDRESS THE JUDGE UNDER OATH OR AFFIRMATION UNDER OATH OR~~
35 AFFIRMATION TO ADDRESS THE JUDGE BEFORE THE IMPOSITION OF SENTENCE OR
36 OTHER DISPOSITION AT THE REQUEST OF THE VICTIM OR THE VICTIM'S
37 REPRESENTATIVE.

38 [(b)] (C) (1) If the victim or the victim's representative is permitted to address
39 the judge or jury, the defendant may cross-examine the victim or the victim's
40 representative.

15

1 (2) The cross-examination is limited to the factual statements made in the
2 address to the judge or jury.

3 [(c)] (D) (1) A victim or THE VICTIM'S representative has the right not to
4 address the court at THE sentencing OR DISPOSITION HEARING.

5 (2) A person may not attempt to coerce a victim or THE VICTIM'S
6 representative to address the court at THE sentencing OR DISPOSITION HEARING.

7 780A.

8 (A) IN THIS SECTION, "VICTIM'S REPRESENTATIVE" HAS THE MEANING
9 STATED IN § 780 OF THIS SUBHEADING.

10 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A VICTIM'S
11 REPRESENTATIVE HAS THE SAME RIGHT TO ADDRESS THE JURY IN A DEATH
12 PENALTY SENTENCING AS A VICTIM'S REPRESENTATIVE HAS TO ADDRESS A JUDGE
13 UNDER § 780 OF THIS SUBHEADING.

14 (C) (1) ON MOTION OF A DEFENDANT OR THE STATE OR ON ITS OWN
15 REQUEST, THE COURT IN A DEATH PENALTY SENTENCING MAY HOLD A HEARING
16 OUTSIDE OF THE PRESENCE OF THE JURY TO DETERMINE WHETHER A VICTIM'S
17 REPRESENTATIVE MAY PRESENT AN ORAL ADDRESS TO THE JURY.

18 (2) IF THE COURT DETERMINES THAT PART OF A VICTIM'S
19 REPRESENTATIVE'S ORAL ADDRESS WILL BE SO UNDULY PREJUDICIAL THAT IT
20 RENDERS THE JURY SENTENCING PROCEEDING FUNDAMENTALLY UNFAIR, THE
21 COURT MAY LIMIT THE PREJUDICIAL PORTION OF THE ORAL ADDRESS.

22 781.

23 (A) IN THIS SECTION, "DEFENDANT" ~~INCLUDES~~ MEANS:

24 (1) A PERSON WHO IS CHARGED WITH A CRIME; ~~AND~~ OR

25 (2) A CHILD WHO IS ALLEGED TO HAVE COMMITTED A DELINQUENT
26 ACT.

27 [(a)] (B) A presentence investigation that is completed by the Division of Parole
28 and Probation under Article 41, § 4-609 of the Code OR A PREDISPOSITION
29 INVESTIGATION THAT IS COMPLETED BY THE DEPARTMENT OF JUVENILE JUSTICE
30 shall include a victim impact statement, if:

31 (1) The defendant, in committing a felony OR DELINQUENT ACT THAT
32 WOULD BE A FELONY IF COMMITTED BY AN ADULT, caused physical, psychological, or
33 economic injury to the victim; or

34 (2) The defendant, in committing a misdemeanor ~~OR DELINQUENT ACT~~
35 ~~THAT WOULD BE A MISDEMEANOR IF COMMITTED BY AN ADULT~~, caused serious
36 physical injury or death to the victim.

37 [(b)] (C) If the court does not order a presentence investigation OR
38 PREDISPOSITION INVESTIGATION, the State's Attorney OR THE VICTIM may prepare a

16

1 victim impact statement to be submitted to the court and the defendant in accordance
2 with the Maryland Rules of Procedure pertaining to presentence investigations.

3 [(c)] (D) The court shall consider the victim impact statement in determining the
4 appropriate sentence OR DISPOSITION, and in entering any [order] JUDGMENT of
5 restitution [to] FOR the victim under [§ 807(c)] § 807 ~~OR § 808~~ of this subtitle.

6 [(d)] (E) A victim impact statement shall:

7 (1) Identify the victim of the offense;

8 (2) Itemize any economic loss suffered by the victim as a result of the
9 offense;

10 (3) Identify any physical injury suffered by the victim as a result of the
11 offense along with its seriousness and permanence;

12 (4) Describe any change in the victim's personal welfare or familial
13 relationships as a result of the offense;

14 (5) Identify any request for psychological services initiated by the victim or
15 the victim's family as a result of the offense; [and]

16 (6) IDENTIFY ANY REQUEST BY THE VICTIM THAT THE DEFENDANT BE
17 PROHIBITED FROM HAVING CONTACT WITH THE VICTIM AS A CONDITION OF
18 PROBATION, PAROLE, MANDATORY SUPERVISION, WORK RELEASE, OR ANY OTHER
19 JUDICIAL OR ADMINISTRATIVE RELEASE OF THE DEFENDANT; AND

20 [(6)] (7) Contain any other information related to the impact of the offense
21 upon the victim or the victim's family that the court requires.

22 [(e)] (F) If the victim is deceased, under a mental, physical, or legal disability, or
23 otherwise unable to provide the information required under this section, the information
24 may be obtained from the personal representative, guardian, or committee, or such family
25 members as may be necessary.

26 Postsentencing Procedures

27 783A.

28 (A) IN THIS SUBHEADING THE FOLLOWING WORDS HAVE THE MEANINGS
29 INDICATED.

30 (B) "DEFENDANT" ~~INCLUDES~~ MEANS:

31 (1) A PERSON WHO IS CHARGED WITH A ~~CRIME; AND~~ FELONY; OR

32 (2) A CHILD WHO IS ALLEGED TO HAVE COMMITTED A DELINQUENT
33 ACT THAT WOULD BE A FELONY IF COMMITTED BY AN ADULT.

34 (C) "VICTIM" MEANS AN INDIVIDUAL WHO SUFFERS DIRECT OR
35 THREATENED PHYSICAL, EMOTIONAL, OR FINANCIAL HARM AS A DIRECT RESULT
36 OF A ~~CRIME OR DELINQUENT ACT~~ FELONY OR A DELINQUENT ACT THAT WOULD BE

17

1 A FELONY IF COMMITTED BY AN ADULT, INCLUDING A FAMILY MEMBER OR
2 GUARDIAN OF A MINOR, INCOMPETENT, OR HOMICIDE VICTIM.

3 784.

4 (a) In this section, "subsequent proceeding" includes:

5 (1) A review of sentence under § 645JA of this article;

6 (2) A hearing on a request to have a sentence modified or vacated under the
7 Maryland Rules;

8 (3) IN A JUVENILE DELINQUENCY CASE, A REVIEW OF A COMMITMENT
9 ORDER OR OTHER DISPOSITION UNDER THE MARYLAND RULES;

10 [(3)] (4) An appeal to the Court of Special Appeals; [or]

11 [(4)] (5) An appeal to the Court of Appeals; OR

12 (6) ANY OTHER POSTSENTENCING COURT PROCEEDING.

13 (b) Following conviction OR ADJUDICATION and sentencing OR DISPOSITION of
14 a [criminal] defendant for a ~~crime~~ FELONY [of violence as defined in § 643B of this
15 article] OR DELINQUENT ACT THAT WOULD BE A FELONY IF COMMITTED BY AN
16 ADULT, [the State's Attorney shall send advance notice, in writing, of a subsequent
17 proceeding to the victim of that crime of violence, or in the case of a homicide, to a
18 designated family member, if the victim or designated family member:

19 (1) In a timely manner, requests of the State's Attorney, in writing, to be
20 notified of subsequent proceedings; and

21 (2) Maintains with the State's Attorney a current address in the State] THE
22 VICTIM, OR IN THE CASE OF A HOMICIDE, A DESIGNATED FAMILY MEMBER, SHALL
23 BE NOTIFIED OF A SUBSEQUENT PROCEEDING IN ACCORDANCE WITH § 770(E) OF
24 THIS ARTICLE IF:

25 (1) PRIOR TO THE DISTRIBUTION BY THE STATE'S ATTORNEY OF
26 NOTIFICATION REQUEST FORMS UNDER § 770(C) OF THIS ARTICLE, THE VICTIM
27 SUBMITTED TO THE STATE'S ATTORNEY A WRITTEN REQUEST TO BE NOTIFIED OF
28 SUBSEQUENT PROCEEDINGS; OR

29 (2) AFTER THE DISTRIBUTION BY THE STATE'S ATTORNEY OF
30 NOTIFICATION REQUEST FORMS UNDER § 770(C) OF THIS ARTICLE, THE VICTIM
31 FILED A NOTIFICATION REQUEST FORM IN ACCORDANCE WITH § 770(D) OF THIS
32 ARTICLE.

33 (c) (1) The State's Attorney's office shall:

34 (i) Notify the victim or designated family member of all appeals to the
35 Court of Special Appeals and the Court of Appeals filed by the defendant; and

36 (ii) Send an information copy of the victim's notification to the office
37 of the Attorney General.

18

1 (2) Following the initial notification to the victim OR RECEIPT OF A
2 NOTIFICATION REQUEST FORM, AS DEFINED UNDER § 770 OF THIS ARTICLE, the
3 office of the Attorney General shall:

4 (i) Notify the victim or designated family member of all subsequent
5 dates pertinent to the appeal, including hearings, postponements, and the decisions of the
6 appellate courts; and

7 (ii) Send an information copy of the victim's notification to the State's
8 Attorney's office.

9 (d) A notice sent under this section shall contain, at a minimum:

10 (1) The date and time of the subsequent proceeding;

11 (2) The location of the subsequent proceeding; and

12 (3) A brief description of the subsequent proceeding.

13 786.

14 (a) This section applies to a victim who has made a written request to the
15 ~~Maryland Parole Commission~~ DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
16 SERVICES for notification OR FILED A NOTIFICATION REQUEST FORM UNDER § 770 OF
17 THIS ARTICLE.

18 (b) (1) If a parole release hearing is scheduled for a person who has been
19 convicted and sentenced to the Division of Correction for a crime, the victim has the
20 rights provided under Article 41, § 4-504(d) of the Code.

21 (2) At a parole release hearing, a victim has the rights provided under
22 Article 41, § 4-507(c) and (d) of the Code.

23 (c) (1) If a person who was convicted of a violent crime is found guilty of
24 violating a condition of parole, the [~~Maryland Parole Commission~~] DEPARTMENT OF
25 PUBLIC SAFETY AND CORRECTIONAL SERVICES shall notify the victim as provided
26 under Article 41, § 4-511(f) of the Code.

27 (2) IF A WARRANT OR SUBPOENA IS ISSUED FOR A PERSON WHO WAS
28 CONVICTED OF A VIOLENT CRIME FOR AN ALLEGED VIOLATION OF A CONDITION
29 OF PAROLE, THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
30 SHALL NOTIFY THE VICTIM AS PROVIDED UNDER ARTICLE 41, § 4-511(F) OF THE
31 CODE.

32 (d) (1) If a person who is sentenced to the Division of Correction is being
33 considered for a commutation, pardon, or remission of sentence, the ~~Maryland Parole~~
34 ~~Commission~~ DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES shall
35 notify the victim as provided under Article 41, § 4-511A(b)(1), (4), (5), and (6) of the
36 Code.

37 (2) In addition to the right of notification referred to in paragraph (1) of
38 this subsection, if the person described in paragraph (1) of this subsection was convicted
39 of a violent crime, a victim has the rights regarding submission and consideration of a
40 victim impact statement provided under Article 41, § 4-511A(b)(2) and (3) of the Code.

19

1 (e) (1) If a person who was convicted of a crime of violence is found guilty of
 2 violating a condition of mandatory supervision, the [Maryland Parole Commission]
 3 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES shall notify the
 4 victim as provided under Article 41, § 4-612(i) of the Code.

5 (2) IF A WARRANT OR SUBPOENA IS ISSUED FOR A PERSON WHO WAS
 6 CONVICTED OF A VIOLENT CRIME FOR AN ALLEGED VIOLATION OF A CONDITION
 7 OF MANDATORY SUPERVISION, THE DEPARTMENT OF PUBLIC SAFETY AND
 8 CORRECTIONAL SERVICES SHALL NOTIFY THE VICTIM AS PROVIDED UNDER
 9 ARTICLE 41, § 4-511(F) OF THE CODE.

10 (F) BEFORE ENTERING INTO A PREDETERMINED PAROLE RELEASE
 11 AGREEMENT WITH AN INMATE, THE MARYLAND PAROLE COMMISSION SHALL
 12 NOTIFY A VICTIM AS PROVIDED UNDER § 700G OF THIS ARTICLE.

13 787.

14 If a person has been committed under § 12-111 of the Health - General Article for
 15 a crime of violence, and a victim of the crime has made a written request to the
 16 Department of Health and Mental Hygiene for notification OR FILED A NOTIFICATION
 17 REQUEST FORM UNDER § 770 OF THIS ARTICLE, the victim has the rights provided
 18 under § 12-122 of the Health - General Article.

19 788.

20 IF A WARRANT OR SUBPOENA IS ISSUED FOR A PERSON WHO WAS CONVICTED
 21 OF A VIOLENT CRIME FOR AN ALLEGED VIOLATION OF A CONDITION OF
 22 PROBATION AND A VICTIM HAS MADE A WRITTEN REQUEST TO THE ~~DIVISION OF~~
 23 ~~PAROLE AND PROBATION~~ DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
 24 SERVICES FOR NOTIFICATION OR A VICTIM FILED A NOTIFICATION REQUEST FORM
 25 UNDER § 770 OF THIS ARTICLE, THE DEPARTMENT OF PUBLIC SAFETY AND
 26 CORRECTIONAL SERVICES OR THE DEPARTMENT OF JUVENILE JUSTICE SHALL
 27 NOTIFY THE VICTIM OF THE ALLEGED VIOLATION.

28 789.

29 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
 30 INDICATED.

31 (2) "COMMITMENT AGENCY" MEANS A DEPARTMENT OR FACILITY
 32 THAT HAS BEEN ORDERED BY A COURT TO RETAIN CUSTODY OF A DEFENDANT OR
 33 CHILD AND HAS RECEIVED A NOTIFICATION REQUEST FORM UNDER § 770(F) OR (I)
 34 OF THIS ARTICLE.

35 (3) "RELEASE FROM CONFINEMENT" MEANS WORK RELEASE, HOME
 36 DETENTION, AND ANY OTHER ADMINISTRATIVE OR STATUTORILY AUTHORIZED
 37 RELEASE OF A DEFENDANT FROM A CONFINEMENT FACILITY.

38 (4) "VICTIM" MEANS A VICTIM WHO HAS FILED A NOTIFICATION
 39 REQUEST FORM UNDER § 770 OF THIS ARTICLE.

20

1 (B) ON RECEIPT OF A NOTIFICATION REQUEST FORM UNDER § 770(F) OR (I)
2 OF THIS ARTICLE, IF PRACTICABLE, A COMMITMENT AGENCY SHALL NOTIFY THE
3 VICTIM OF:

4 (1) THE COMMITMENT AGENCY'S RECEIPT OF THE NOTIFICATION
5 REQUEST FORM;

6 (2) THE DATE ON WHICH THE DEFENDANT WAS PLACED UNDER THE
7 CUSTODY OF THE COMMITMENT AGENCY;

8 (3) HOW TO CHANGE THE ADDRESS OF THE VICTIM OR OF THE PERSON
9 TO RECEIVE NOTICE FOR THE VICTIM; AND

10 (4) HOW TO ELECT NOT TO RECEIVE ANY FUTURE NOTICES.

11 (C) A COMMITMENT AGENCY SHALL NOTIFY A VICTIM ~~IN ADVANCE, IF~~
12 ~~POSSIBLE, AND IF NOT, AS SOON AS POSSIBLE REGARDING, IN ADVANCE IF~~
13 PRACTICABLE, IF ANY OF THE FOLLOWING EVENTS OCCUR CONCERNING THE
14 DEFENDANT:

15 (1) AN ESCAPE;

16 (2) A RECAPTURE;

17 (3) A TRANSFER TO ANOTHER COMMITMENT AGENCY;

18 (4) A RELEASE FROM CONFINEMENT AND ANY CONDITIONS ATTACHED
19 TO THE RELEASE; AND

20 (5) THE DEATH OF THE DEFENDANT.

21 (D) A COMMITMENT AGENCY MAY NOT DISCLOSE TO A DEFENDANT THE
22 ADDRESS OR TELEPHONE NUMBER OF A VICTIM OR PERSON WHO RECEIVES NOTICE
23 FOR THE VICTIM.

24 791.

25 Evidence relating to a victim's chastity or prior sexual conduct may be admitted in a
26 prosecution for [rape or] RAPE, sexual offense in the first or second [degree] DEGREE,
27 OR ATTEMPTED RAPE OR ATTEMPTED SEXUAL OFFENSE IN THE FIRST OR SECOND
28 DEGREE only in the manner provided under § 461A of this article.

29 792.

30 (b) (1) Subject to paragraph (2) of this subsection, on the earlier of the date
31 that the child sexual offender is released, is granted probation before judgment, is
32 granted probation after judgment, is granted a suspended sentence, or receives a sentence
33 that does not include a term of imprisonment the supervising authority shall send written
34 notice of the release of the child sexual offender to the local law enforcement agency in
35 the county where the offender will reside.

36 (2) A written notice required under paragraph (1) of this subsection shall
37 include:

38 (i) The full name of the child sexual offender;

21

- 1 (ii) The child sexual offender's address, if available;
- 2 (iii) The child sexual offender's Social Security number;
- 3 (iv) A recent photograph of the child sexual offender; and
- 4 (v) A brief description of the crime for which the child sexual offender
- 5 was convicted, granted probation before judgment, or found not criminally responsible.

6 (3) The same notice as required under paragraph (1) of this subsection shall
7 be sent to:

8 (I) A VICTIM OF THE CRIME FOR WHICH THE PERSON WAS FOUND
9 TO BE A CHILD SEXUAL OFFENDER, IF THE VICTIM FILED A NOTIFICATION REQUEST
10 FORM UNDER § 770 OF THIS ARTICLE; AND

11 (II) [the] THE following persons if such notice has been requested in
12 writing about a specific child sexual offender:

13 [(i)] 1. The victim of the crime for which the child sexual offender
14 was convicted or, if the victim is a minor, the parents or legal guardian of the victim;

15 [(ii)] 2. Any witness who testified against the child sexual offender in
16 any court proceedings involving the offense; and

17 [(iii)] 3. Any person specified in writing by the State's Attorney.

18 (4) Information regarding any person who receives notice under paragraph
19 (3) of this subsection is confidential and may not be disclosed to the child sexual offender
20 or any other person, agency, or entity.

21 (5) If a child sexual offender escapes from a facility, the supervising
22 authority of the facility shall immediately notify, by the most reasonable and expedient
23 means available:

24 (i) The local law enforcement agency in the jurisdiction in which the
25 offender resided before the offender was committed to the custody of the supervising
26 authority; and

27 (ii) Any person who is entitled to receive notice under paragraph (3)
28 of this subsection.

29 (6) If the offender is recaptured, the supervising authority shall send notice,
30 as soon as possible and in no event later than 2 working days after the supervising
31 authority learns of the recapture, to:

32 (i) The local law enforcement agency in the jurisdiction in which the
33 offender resided before the offender was committed to the custody of the supervising
34 authority; and

35 (ii) Any person who is entitled to receive notice under paragraph (3)
36 of this subsection.

22

1 (7) A supervising authority shall send any notice required under paragraphs
2 (3), (5)(ii), and (6)(ii) of this subsection to the last address provided to the supervising
3 authority for a person who is entitled to notice under paragraph (3) of this subsection.

4 (8) If a child sexual offender will reside after release in a municipal
5 corporation that has a police department, or, in the case where a child sexual offender
6 escapes from a facility and the offender resided, before the offender was committed to
7 the custody of a supervising authority, in a municipal corporation that has a police
8 department, a local law enforcement agency that receives a notice from a supervising
9 authority under this subsection shall send a copy of the notice to the police department of
10 the municipal corporation.

11 799.

12 (a) When a law enforcement officer responds to a request for assistance under §
13 798 of this subheading, the officer shall give the victim a copy of a written notice that:

14 (1) States that the victim may:

15 (i) Request that a District Court commissioner file a criminal
16 charging document against the alleged abuser;

17 (ii) If the commissioner declines to charge the alleged abuser, request
18 that the State's Attorney file a criminal charging document against the alleged abuser;
19 [and]

20 (iii) File a petition for relief from abuse in the District Court or circuit
21 court under Title 4, Subtitle 5 of the Family Law Article; and

22 (IV) OBTAIN A COPY OF THE INCIDENT REPORT AS PROVIDED
23 UNDER § 800 OF THIS SUBHEADING; AND

24 (2) Includes the telephone number of any local domestic violence program
25 that receives funding from the Department of Human Resources.

26 (b) A law enforcement officer may not be held liable in any civil action arising
27 from the officer's failure to provide the notice required under subsection (a) of this
28 section.

29 800.

30 When a law enforcement officer responds to a request for assistance under § 798 of
31 this subheading and WHEN an incident report is filed, the law enforcement agency shall
32 provide a copy of the report to the Department of State Police and, on request, to the
33 victim without a subpoena ~~AND WITHOUT CHARGE~~.

34 Restitution

35 805A.

36 (A) IN THIS SUBHEADING THE FOLLOWING WORDS HAVE THE MEANINGS
37 INDICATED, UNLESS THE CONTEXT OF THEIR USE INDICATES OTHERWISE.

23

1 (B) "ABANDONED VEHICLE" HAS THE SAME MEANING AS STATED IN § 25-201
2 OF THE TRANSPORTATION ARTICLE.

3 (C) "CHILD" MEANS A PERSON UNDER THE AGE OF 18 YEARS.

4 (D) "COURT" MEANS THE COURT OF APPEALS, COURT OF SPECIAL APPEALS,
5 CIRCUIT COURT, JUVENILE COURT, AND DISTRICT COURT OF MARYLAND, OR ANY
6 OF THEM, UNLESS THE CONTEXT CLEARLY REQUIRES A CONTRARY MEANING.

7 (E) "CRIME" MEANS AN ACT COMMITTED BY ANY PERSON IN THE STATE
8 WHICH WOULD CONSTITUTE A CRIME AS DEFINED IN THIS ARTICLE OR AT COMMON
9 LAW, A DELINQUENT ACT AS DEFINED IN § 3-801 OF THE COURTS ARTICLE, OR A
10 VIOLATION OF THE TRANSPORTATION ARTICLE THAT IS PUNISHABLE BY A TERM OF
11 CONFINEMENT.

12 (F) "DEFENDANT" MEANS ANY PERSON WHO HAS :

13 (1) RECEIVED PROBATION BEFORE JUDGMENT;

14 (2) BEEN FOUND TO HAVE COMMITTED A DELINQUENT ACT;

15 (3) BEEN FOUND GUILTY OF A CRIME, REGARDLESS OF WHETHER THE
16 DEFENDANT HAS BEEN FOUND NOT CRIMINALLY RESPONSIBLE ~~BY REASON OF~~
17 ~~INSANITY~~; OR

18 (4) ANY PERSON WHOSE PLEA OF NOLO CONTENDERE TO A CRIME HAS
19 BEEN ACCEPTED BY THE COURT.

20 (G) "DIVISION" MEANS DIVISION OF PAROLE AND PROBATION.

21 (H) "JUDGE" MEANS A JUDGE OF A COURT.

22 (I) "JUDGMENT OF RESTITUTION" MEANS EITHER A DIRECT ORDER FOR
23 PAYMENT OF RESTITUTION OR AN ORDER FOR PAYMENT OF RESTITUTION THAT IS
24 A CONDITION OF PROBATION IN AN ORDER OF PROBATION.

25 (J) "LIABLE PARENT" MEANS A PARENT ~~WHO~~;

26 (1) WHOSE CHILD HAS COMMITTED A CRIME; AND

27 (2) WHO HAS BEEN ORDERED TO PAY RESTITUTION UNDER ~~§ 808~~ § 807
28 OF THIS SUBHEADING.

29 (K) "PROPERTY" MEANS BOTH REAL AND PERSONAL PROPERTY.

30 (L) (1) "VICTIM" MEANS A PERSON WHO SUFFERS PERSONAL INJURY,
31 DEATH, OR PROPERTY DAMAGE OR LOSS AS A DIRECT RESULT OF CRIME.

32 (2) "VICTIM" INCLUDES:

33 (I) IN THE EVENT OF THE DEATH OF A VICTIM, THE VICTIM'S
34 ESTATE; OR

24

1 (II) UPON CONVICTION, THE FINDING OF A DELINQUENT ACT,
2 ACCEPTANCE OF A PLEA OF NOLO CONTENDERE, OR IMPOSITION OF PROBATION
3 BEFORE JUDGMENT FOR AN OFFENSE UNDER § 267 OF THIS ARTICLE:

4 1. THE OWNER OF THE BURIAL SITE; AND

5 2. AN INDIVIDUAL RELATED BY BLOOD OR MARRIAGE TO
6 THE INDIVIDUAL BURIED IN THE BURIAL SITE.

7 806.

8 (a) In all cases where restitution or reparation is adjudged to be made to the
9 [party injured] VICTIM and immediate restitution or reparation is not fully made, the
10 court [before whom the offender is convicted] shall either issue execution against the
11 property of the [convicted person] DEFENDANT OR LIABLE PARENT in the name of the
12 [person injured] VICTIM for the value of the property taken, or so much of the property
13 as is not restored, the value to be estimated by the court, or order restitution in an
14 amount not to exceed 20 percent of any earnings less other deductions required by law to
15 be paid out of any funds earned by the defendant under a "work release" plan.

16 (b) The provisions of this section may not deprive the [party injured] VICTIM
17 from having and maintaining a civil action against the [offender] DEFENDANT, either
18 before or after conviction, or against any other person, for the recovery of the money
19 received or property taken, or the value of the property.

20 807.

21 [(a) (1) In this section, the following words have the meanings indicated, unless
22 the context of their use indicates otherwise.

23 (2) "Abandoned vehicle" has the same meaning as stated in § 25-201 of the
24 Transportation Article.

25 (3) "Child" means a person under the age of 18 years.

26 (4) "Court" means the Court of Appeals, Court of Special Appeals, circuit
27 court, and District Court of Maryland, or any of them, unless the context clearly requires
28 a contrary meaning.

29 (5) "Crime" means an act committed by any person in the State which would
30 constitute a crime as defined in this article or at common law, or a violation under §
31 25-202 of the Transportation Article. However, an act involving the operation of a motor
32 vehicle which results in injury does not constitute a crime for the purpose of this section
33 unless the injuries were intentionally inflicted through the use of a vehicle.

34 (6) "Defendant" means any person who has been found guilty of a crime or
35 any person whose plea of nolo contendere to a crime has been accepted by the court.

36 (7) "Division" means Division of Parole and Probation.

37 (8) "Judge" means a judge of a court.

25

1 (9) "Order of restitution" means either a direct order for payment of
 2 restitution or an order for payment of restitution that is a condition of probation in an
 3 order of probation.

4 (10) "Property" means both real and personal property.

5 (11) (i) "Victim" means a person who suffers personal injury, death, or
 6 property damage or loss as a direct result of crime.

7 (ii) "Victim" includes:

8 1. In the event of the death of a victim, the victim's estate; or

9 2. Upon conviction, acceptance of a plea of nolo contendere, or
 10 imposition of probation before judgment for an offense under § 267 of this article:

11 A. The owner of the burial site; and

12 B. An individual related by blood or marriage to the individual
 13 buried in the burial site.]

14 [(b)] (A) (1) ~~On conviction of a crime, acceptance of a plea of nolo contendere,~~
 15 ~~or imposition of probation before judgment under § 641 of this article, the A court may~~
 16 issue [an order] A JUDGMENT of restitution directing ~~the A~~ defendant to make
 17 restitution in addition to any other penalty for the commission of ~~the A~~ crime, if:

18 (i) Property of the victim was stolen, damaged, destroyed, converted,
 19 unlawfully obtained, or its value substantially decreased as a direct result of the crime;

20 (ii) The victim suffered actual medical, DENTAL, HOSPITAL,
 21 COUNSELING, FUNERAL, BURIAL expenses, ANY OTHER direct out-of-pocket losses, or
 22 loss of earnings as a direct result of the crime;

23 (iii) The victim incurred medical expenses that were paid by the
 24 Department of Health and Mental Hygiene or any other governmental entity;

25 (iv) A governmental entity incurred expenses in the removal, towing,
 26 transporting, preserving, storage, sale, or destruction of an abandoned vehicle;

27 (v) The Criminal Injuries Compensation Board paid benefits to a
 28 victim of the crime; or

29 (vi) The Department of Health and Mental Hygiene or other
 30 governmental entity paid expenses incurred under § 855 of this subtitle.

31 (2) A victim is presumed to have a right to restitution under paragraph (1)
 32 of this subsection if:

33 (i) The victim or the State requests restitution; AND

34 (ii) The court is presented with competent evidence of any of items (i)
 35 through (vi) of paragraph (1) of this subsection[]; and

36 (iii) The defendant has the ability to pay the restitution order].

26

1 (3) (I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF THE
 2 DEFENDANT IS A CHILD, THE COURT MAY ORDER THE CHILD, THE CHILD'S PARENT,
 3 OR BOTH TO PAY RESTITUTION TO A VICTIM.

4 (II) AS AN ABSOLUTE LIMIT AGAINST ONE CHILD, THE CHILD'S
 5 PARENT, OR BOTH, A JUDGMENT OF RESTITUTION ISSUED UNDER THIS SECTION
 6 MAY NOT EXCEED \$10,000 FOR ALL ACTS ARISING OUT OF A SINGLE INCIDENT.

7 (III) A COURT MAY NOT ENTER A JUDGMENT OF RESTITUTION
 8 AGAINST A PARENT UNDER THIS SECTION UNLESS THE PARENT HAS BEEN
 9 AFFORDED A REASONABLE OPPORTUNITY TO BE HEARD AND TO PRESENT
 10 APPROPRIATE EVIDENCE ON THE PARENT'S BEHALF. A HEARING UNDER THIS
 11 SECTION MAY BE HELD AS PART OF THE SENTENCING OR DISPOSITION HEARING.

12 ~~(3)~~ (4) A court need not issue [an order] A JUDGMENT of restitution
 13 under this section if the court finds [good]:

14 (I) THAT THE DEFENDANT OR LIABLE PARENT DOES NOT HAVE
 15 THE ABILITY TO PAY THE JUDGMENT OF RESTITUTION; OR

16 (II) GOOD cause to establish extenuating circumstances as to why [an
 17 order] A JUDGMENT of restitution is inappropriate in a case.

18 ~~(4)~~ (5) The court may order that restitution be made to:

19 (i) The victim;

20 (ii) The Department of Health and Mental Hygiene, the Criminal
 21 Injuries Compensation Board, or any other governmental entity; or

22 (iii) A third-party payor, including an insurer, which has made
 23 payment to the victim to compensate the victim for a property loss or pecuniary loss under
 24 this subsection.

25 ~~(5)~~ (6) If the victim has been fully compensated for the victim's loss by a
 26 third-party payor, the court may issue [an order] A JUDGMENT of restitution directing
 27 the defendant OR LIABLE PARENT to pay restitution to the third-party payor. Otherwise,
 28 payment of restitution to the victim has priority over payment of restitution to the
 29 third-party payor.

30 ~~(6)~~ (7) Payment of restitution to the victim under this subsection has
 31 priority over payment of restitution to the Department of Health and Mental Hygiene or
 32 other governmental entity.

33 ~~(7)~~ (8) If restitution is requested under this subsection and the court does
 34 not order restitution, the court shall state, on the record, the court's reasons for not
 35 ordering restitution.

36 [(c)] (B) When [an order] A JUDGMENT of restitution has been entered under
 37 subsection [(b)] (A) of this section:

38 (1) Compliance with the [order] JUDGMENT OF RESTITUTION:

27

1 (i) May be [made as a sentence; and] REQUIRED IN THE
2 JUDGMENT OF CONVICTION OR DISPOSITION IN A JUVENILE DELINQUENCY CASE;

3 (ii) [Shall] IF PROBATION IS ORDERED, SHALL be a condition of
4 [probation,] PROBATION:

5 1. in addition to a [sentence, if probation is ordered; and]
6 SENTENCE OR DISPOSITION; OR

7 2. IN LIEU OF A SENTENCE IF THE PROBATION IS ORDERED
8 BEFORE JUDGMENT UNDER § 641 OF THIS ARTICLE; AND

9 (III) IF WORK RELEASE IS ORDERED, SHALL BE A CONDITION OF
10 WORK RELEASE.

11 (2) Subject to federal law, the Department of Public Safety and Correctional
12 Services OR THE DEPARTMENT OF JUVENILE JUSTICE shall obtain the Social Security
13 number of the defendant OR LIABLE PARENT to facilitate the collection of restitution.

14 [(d)] (C) (1) Restitution shall be made by the defendant OR LIABLE PARENT to
15 the Division [of Parole and Probation] OR THE DEPARTMENT OF JUVENILE JUSTICE
16 under the terms and conditions of the [order] JUDGMENT of restitution.

17 (2) The Division OR THE DEPARTMENT OF JUVENILE JUSTICE shall keep
18 records of any payments or return of property in satisfaction of the [order] JUDGMENT
19 of restitution.

20 (3) The Division OR THE DEPARTMENT OF JUVENILE JUSTICE shall
21 forward any property or payments in accordance with the [court's order] JUDGMENT of
22 restitution and the provisions of this section to:

23 (i) The victim;

24 (ii) The Department of Health and Mental Hygiene or other
25 governmental entity; or

26 (iii) The third-party payor.

27 (4) The Division OR THE DEPARTMENT OF JUVENILE JUSTICE may assess
28 additional fees not to exceed 2 percent of the amount of the [order] JUDGMENT of
29 restitution to pay for administrative costs of collecting payments or property. These fees
30 shall be paid by the defendant OR LIABLE PARENT.

31 [(e)] (D) (1) When a defendant OR LIABLE PARENT fails to make restitution as
32 ordered, the Division OR THE DEPARTMENT OF JUVENILE JUSTICE shall notify the
33 court.

34 (2) The court may hold a hearing to determine if the defendant OR LIABLE
35 PARENT is in contempt of court or has violated the terms of the probation.

36 (3) If the court finds that the defendant OR LIABLE PARENT intentionally
37 became impoverished to avoid payment of the restitution, the court may find the
38 defendant in CONTEMPT OF COURT OR IN violation of probation.

1 [(f)] (E) [An order] A JUDGMENT of restitution may not preclude the owner of
 2 the property or the victim who suffered personal physical or mental injury or
 3 out-of-pocket loss of earnings or support from proceeding in a civil action to recover
 4 damages from the defendant OR LIABLE PARENT. A civil verdict shall be reduced by the
 5 amount paid under the criminal [restitution order] JUDGMENT OF RESTITUTION.

6 [(g)] (F) If [an order] A JUDGMENT of restitution requiring the payment of
 7 money is recorded and indexed in the civil judgment index under subsection [(h)] (G) or
 8 subsection [(i)] (H) of this section:

9 (1) The [order] JUDGMENT of restitution shall constitute a money
 10 judgment in favor of the individual, governmental entity, or third-party payor to whom
 11 the defendant OR LIABLE PARENT has been ordered to pay restitution;

12 (2) The [order] JUDGMENT of restitution may be enforced by the
 13 individual, governmental entity, or third-party payor to whom the defendant OR LIABLE
 14 PARENT has been ordered to pay restitution in the same manner as a money judgment in
 15 a civil action; and

16 (3) Except as otherwise expressly provided by this section, an individual,
 17 governmental entity, or third-party payor to whom a defendant OR LIABLE PARENT has
 18 been ordered to pay restitution shall have all the rights and obligations of a money
 19 judgment creditor under the Maryland Rules, including the obligation to file a statement
 20 that the judgment has been satisfied under Rule 2-626 or Rule 3-626 on receiving all
 21 amounts due under the judgment.

22 [(h)] (G) (1) [An order] A ~~JUDGEMENT~~ JUDGMENT of restitution that is
 23 issued by a circuit court under this section shall be recorded and indexed in the civil
 24 judgment index by the clerk of the circuit court as a money judgment as prescribed by the
 25 Maryland Rules.

26 (2) [An order] A JUDGMENT of restitution that is recorded and indexed in
 27 the civil judgment index as a money judgment under paragraph (1) of this subsection:

28 (i) In the county of entry of the judgment, shall constitute a lien from
 29 the date of entry in the amount of the judgment on the defendant's OR LIABLE PARENT'S
 30 interest in land located in the county of the entry of the judgment; but

31 (ii) In a county other than the county of entry of the judgment, shall
 32 constitute a lien from the date of recording in the amount of the judgment on the
 33 defendant's OR LIABLE PARENT'S interest in land located in that county.

34 [(i)] (H) (1) [An order] A JUDGMENT of restitution that is issued by the
 35 District Court under this section may not be recorded and indexed as a money judgment
 36 in the District Court until the individual, governmental entity, or third-party payor to
 37 whom the defendant OR LIABLE PARENT has been ordered to pay restitution files a
 38 written statement with the clerk of the District Court that requests the ~~order~~ JUDGMENT
 39 of restitution be recorded and indexed as a money judgment.

40 (2) If [an order] A JUDGMENT of restitution issued by the District Court is
 41 recorded and indexed as a money judgment as permitted under paragraph (1) of this
 42 subsection, the clerk of the District Court shall:

29

1 (i) Immediately forward a notice of lien of judgment to the circuit
2 court of that county; and

3 (ii) On the receipt of the written statement from the individual,
4 governmental entity, or third-party payor to whom a defendant OR LIABLE PARENT has
5 been ordered to pay restitution, forward a notice of lien of judgment to the circuit court
6 of any other county as prescribed by the Maryland Rules.

7 (3) When the clerk of the District Court forwards a notice of lien under
8 paragraph (2) of this subsection to a circuit court, the clerk of the circuit court shall
9 record and index the notice of lien as prescribed by the Maryland Rules.

10 (4) [An order] A JUDGMENT of restitution that is issued by the District
11 Court and is recorded and indexed as a money judgment as permitted by paragraph (1) of
12 this subsection shall constitute a lien in the amount of the judgment of the defendant's
13 OR LIABLE PARENT'S interest in land in a county from the date that a notice of lien is
14 recorded and indexed in the circuit court of that county.

15 (5) If the District Court ~~issues an order~~ ENTERS A JUDGMENT of
16 restitution under this section, the clerk of the District Court shall forward a written notice
17 to the individual, governmental entity, or third-party payor to whom a defendant has
18 been ordered to pay restitution that states:

19 (i) The [order] JUDGMENT of restitution does not constitute a
20 money judgment until it is recorded and indexed in the civil judgment records in the
21 District Court;

22 (ii) The [order] JUDGMENT of restitution shall be recorded and
23 indexed as a money judgment in the District Court and a notice of lien shall be forwarded
24 to the circuit court of that county by the clerk of the District Court on the receipt of a
25 written statement from the individual, governmental entity, or third-party payor that
26 requests the [order] JUDGMENT of restitution be recorded and indexed as a money
27 judgment;

28 (iii) A notice of lien shall be forwarded by the clerk of the District
29 Court to any other circuit court on the receipt of a written statement from the individual,
30 governmental entity, or third-party payor that requests the notice of lien be forwarded to
31 a specific circuit court; and

32 (iv) There shall be no fee for recording and indexing the [order]
33 JUDGMENT of restitution as a money judgment in the District Court or for recording and
34 indexing a notice of lien in the circuit court of that county.

35 [(j)] (I) A court may not assess any costs on an individual, governmental entity, or
36 third-party payor to whom a defendant OR LIABLE PARENT has been ordered to pay
37 restitution:

38 (1) For recording and indexing an order of restitution as a money judgment
39 in the court in which the [order] JUDGMENT of restitution was issued; or

40 (2) For recording and indexing a notice of lien forwarded by the District
41 Court to a circuit court.

30

1 [(k)] (J) (1) Subject to the Maryland Rules, unless complete restitution is paid
2 by a defendant OR LIABLE PARENT, termination of [an order] A JUDGMENT of
3 restitution or probation by a court does not affect a money judgment that has been
4 recorded and indexed under this section.

5 (2) If a District Court decides to terminate [an order] A JUDGMENT of
6 restitution that has not been recorded and indexed as a money judgment under subsection
7 [(i)] (H) of this section or to terminate a probation before [an order] A JUDGMENT of
8 restitution has been recorded and indexed as a money judgment under subsection [(i)]
9 (H) of this section, the court shall direct the clerk of the court to:

10 (i) Record and index the [order] JUDGMENT of restitution as a
11 money judgment and forward a notice of lien to the circuit court of that county prior to
12 terminating the [order] JUDGMENT of restitution and probation; and

13 (ii) Forward a written notice to the individual, governmental entity, or
14 third-party payor to whom the defendant OR LIABLE PARENT was ordered to pay
15 restitution which states that the [order] JUDGMENT of restitution has been recorded
16 and indexed as a money judgment in the District Court and that a notice of lien has been
17 forwarded to the circuit court of that county.

18 [(l)] (K) (1) Notwithstanding any other provision of this section and except as
19 provided in paragraph (2) of this subsection, a victim or other person may not execute on
20 a judgment recorded and indexed under this section if the defendant OR LIABLE PARENT
21 files a motion under the Maryland Rules to stay execution of sentence or the [order]
22 JUDGMENT of restitution, WHICH HAS NOT BEEN DETERMINED BY THE COURT, and
23 challenges the conviction, sentence, or [order] JUDGMENT of restitution by:

24 (i) Filing an appeal in a State court or in federal court;

25 (ii) Applying for leave to appeal following a plea of guilty in a circuit
26 court;

27 (iii) Filing a motion for exercise of revisory power by the sentencing
28 court under the Maryland Rules;

29 (iv) Filing an application for review of criminal sentence under §§
30 645JA through 645JG of this article; or

31 (v) Filing a notice for in banc review under the Maryland Rules.

32 (2) If a defendant OR LIABLE PARENT files an action described in
33 paragraph (1) of this subsection, an individual, governmental entity, or third-party payor
34 may not execute on a judgment recorded and indexed under this section until a court
35 issues a final judgment upholding the conviction, sentence, or [order] JUDGMENT of
36 restitution.

37 (3) An individual, governmental entity, or third-party payor may not
38 execute on a judgment recorded and indexed under this section until the time period has
39 expired in which a defendant OR LIABLE PARENT may file any of the actions listed under
40 items (1)(i) through (v) of this subsection.

31

1 (4) THE JUDGMENT OF RESTITUTION MAY BE ENFORCED IN THE SAME
2 MANNER AS ENFORCING MONETARY JUDGMENTS.

3 [(m) (1) Notwithstanding any other provision of law, if the defendant is a child
4 who has been charged as an adult, the court may order the child, the child's parent, or
5 both to pay restitution to a victim.

6 (2) As an absolute limit against any one child, the child's parent, or both, an
7 order of restitution issued under this section may not exceed \$10,000 for all acts arising
8 out of a single incident.

9 (3) A court may not issue an order of restitution against a parent under this
10 section unless the parent has been afforded a reasonable opportunity to be heard and to
11 present appropriate evidence on the parent's behalf. A hearing under this section may be
12 held as part of the criminal proceeding against the child.]

13 [(n)] (L) The State's Attorney should, if practicable, notify any eligible victim of
14 the right to request restitution and provide assistance in the preparation of the request
15 and advice as to the steps that a victim may take to collect any restitution that is awarded.

16 (M) IF A VICTIM CANNOT BE LOCATED, ALL MONEYS COLLECTED FROM A
17 JUDGMENT OF RESTITUTION SHALL BE TREATED AS ABANDONED PROPERTY
18 UNDER TITLE 17 OF THE COMMERCIAL LAW ARTICLE.

19 ~~808.~~

20 (a) ~~[(1) The juvenile] NOTWITHSTANDING ANY OTHER PROVISION OF LAW,~~
21 ~~THE court may enter a judgment of restitution UNDER § 807 OF THIS SUBHEADING~~
22 ~~against the parent of a child, the child, or both in any case in which the court finds a child~~
23 ~~has committed a delinquent act [and during or as a result of the commission of that~~
24 ~~delinquent act has:~~

25 (i) ~~Stolen, damaged, destroyed, converted, unlawfully obtained, or~~
26 ~~substantially decreased the value of the property of another; or~~

27 (ii) ~~Inflicted personal injury on another, requiring the injured person~~
28 ~~to incur medical, dental, hospital, funeral, or burial expenses; or~~

29 (iii) ~~Caused the victim of the delinquent act to incur reasonable~~
30 ~~counseling expenses from a licensed health care provider, if the delinquent act involved:~~

31 1. ~~Personal injury;~~

32 2. ~~Child abuse under § 35C of this article;~~

33 3. ~~Abuse or neglect of vulnerable persons under § 35D of this~~
34 ~~article;~~

35 4. ~~Incest, rape, or sexual offense in any degree;~~

36 5. ~~Sodomy under § 553 of this article; or~~

37 6. ~~Unnatural or perverted sexual practices under § 554 of this~~
38 ~~article] OR AN OFFENSE FOR WHICH THE CHILD HAS BEEN CHARGED AS AN ADULT.~~

1 ~~{(2) The juvenile court may order the parent of a child, a child, or both to~~
2 ~~make restitution to:~~

3 ~~(i) The victim;~~

4 ~~(ii) Any governmental entity, including the Criminal Injuries~~
5 ~~Compensation Board; or~~

6 ~~(iii) A third party payor, including an insurer, that has made payment~~
7 ~~to the victim to compensate the victim for a property loss under paragraph (1)(i) of this~~
8 ~~subsection or pecuniary loss under paragraph (1)(ii) of this subsection.~~

9 ~~{(3) (i) Restitution payments to the victim have priority over restitution~~
10 ~~payments to a third party payor.~~

11 ~~(ii) If the victim has been compensated for the victim's loss by a third~~
12 ~~party payor, the juvenile court may order restitution payments to the third party payor in~~
13 ~~the amount that the third party payor compensated the victim.~~

14 ~~{(4) Payment of restitution to a victim under this section has priority over~~
15 ~~payment of restitution to any governmental entity.~~

16 ~~(b) Considering the age and circumstances of a child, the juvenile court may order~~
17 ~~the child to make restitution to the wronged person personally.}~~

18 ~~{(c)} ~~(B) (1) A judgment OF RESTITUTION rendered under this section may not~~~~
19 ~~exceed:~~

20 ~~(i) As to property stolen, destroyed, converted, or unlawfully~~
21 ~~obtained, the lesser of the fair market value of the property or \$10,000;~~

22 ~~(ii) As to property damaged, or substantially decreased in value, the~~
23 ~~lesser of the amount of damage or the decrease in value of the property not to exceed the~~
24 ~~fair market value of the property or \$10,000; and~~

25 ~~(iii) As to personal injuries inflicted, the lesser of the actual medical,~~
26 ~~dental, hospital, COUNSELING, funeral, and burial expenses incurred by the injured~~
27 ~~person as a result of the injury or \$10,000.~~

28 ~~{(2) As an absolute limit against any one child, his parents, or both, a~~
29 ~~judgment rendered under this section may not exceed \$10,000 for all acts arising out of a~~
30 ~~single incident.~~

31 ~~{(d)} ~~(C) A restitution hearing to determine the liability of a parent, a child, or~~~~
32 ~~both, shall be held not later than 30 days after the SENTENCING OR disposition hearing~~
33 ~~and may be extended by the [juvenile] court for good cause.~~

34 ~~{(e)} ~~(D) A judgment of restitution against a parent may not be entered unless the~~~~
35 ~~parent has been afforded a reasonable opportunity to be heard and to present~~
36 ~~appropriate evidence in the parent's behalf. A hearing under this section may be held as~~
37 ~~part of an [adjudicatory] SENTENCING or disposition hearing for the child.~~

38 ~~{(f) The judgment may be enforced in the same manner as enforcing monetary~~
39 ~~judgments.~~

1 ~~(e) The Department of Juvenile Justice is responsible for the collection of~~
 2 ~~restitution payments when the restitution order provides that restitution is to be made in~~
 3 ~~periodic or installment payments, as part of probation, or pursuant to a work plan.]~~

4 ~~809, 808.~~

5 (a) In a restitution hearing held under § 807 ~~or § 808~~ of this subheading, a written
 6 statement or bill for medical, dental, hospital, COUNSELING, funeral, or burial expenses
 7 shall be prima facie evidence that the amount indicated on the written statement or bill
 8 represents a fair and reasonable charge for the services or materials provided.

9 (b) The burden of proving that the amount indicated on the written statement or
 10 bill is not fair and reasonable shall be on the person challenging the fairness and
 11 reasonableness of the amount.

12 ~~810, 809.~~

13 (a) (1) In addition to taking any action authorized under § 807 of this
 14 subheading, the Division [of Parole and Probation] OR THE DEPARTMENT OF
 15 JUVENILE JUSTICE may refer a delinquent restitution account to the Central Collection
 16 Unit in the Department of Budget and [Fiscal Planning] MANAGEMENT for collection.

17 (2) IF THE PROBATION OR OTHER SUPERVISION IS TERMINATED AND
 18 RESTITUTION IS STILL OWED, THE DELINQUENT RESTITUTION ACCOUNT SHALL BE
 19 REFERRED TO THE CENTRAL COLLECTION UNIT IN THE DEPARTMENT OF BUDGET
 20 AND MANAGEMENT FOR COLLECTION.

21 (b) Subject to the provisions of subsection (c) of this section, the Central
 22 Collection Unit may:

23 (1) Collect any delinquent restitution in accordance with Title 3, Subtitle 3
 24 of the State Finance and Procurement Article; and

25 (2) Certify any defendant OR LIABLE PARENT who is in arrears on
 26 restitution payments amounting to more than \$30 under the [order] JUDGMENT of
 27 restitution:

28 (i) To the Comptroller for income tax refund interception in
 29 accordance with Article 19, §§ 43 through 46 of the Code; and

30 (ii) To the State Lottery Agency for State lottery prize interception in
 31 accordance with ~~§ 811~~ § 810 of this subheading.

32 (c) (1) The Central Collection Unit may not compromise and settle [an order]
 33 A JUDGMENT of restitution unless the Division [of Parole and Probation] OR THE
 34 DEPARTMENT OF JUVENILE JUSTICE obtains the consent of the victim.

35 (2) The Division [of Parole and Probation] OR THE DEPARTMENT OF
 36 JUVENILE JUSTICE shall contact the victim to see if the victim consents to compromise
 37 and settle [an order] A JUDGMENT of restitution.

38 (d) If complete restitution and interest have been paid or [an order] A
 39 JUDGMENT of restitution has been compromised and settled as provided in subsection

34

1 (c) of this section, the Division, THE DEPARTMENT OF JUVENILE JUSTICE, or the
2 Central Collection Unit immediately shall notify:

3 (1) The court that issued the ~~order~~ JUDGMENT by filing the statement as
4 provided under § 807(g)(3) of this subheading that the judgment has been satisfied; and

5 (2) The last known employer of a defendant OR LIABLE PARENT in order
6 to terminate an earnings withholding order issued under ~~§ 812~~ § 811 of this subheading.

7 (e) (1) Restitution may be considered delinquent if the restitution or a
8 restitution payment is not paid:

9 (i) By the date ordered by the court; or

10 (ii) If no date was ordered, the latter of:

11 1. The date the Division OR THE DEPARTMENT OF JUVENILE
12 JUSTICE directed the defendant OR LIABLE PARENT to pay restitution or make a
13 restitution payment; or

14 2. 30 days after the court issued [an order] A JUDGMENT of
15 restitution.

16 (2) If restitution is considered delinquent, the amount of the arrearage is
17 the amount of restitution ordered plus any interest as allowed by law reduced by any
18 amount previously paid or received under the [order] JUDGMENT OF RESTITUTION.

19 ~~811.~~ 810.

20 (a) In this section, "Unit" means the Central Collection Unit in the Department
21 of Budget and Management.

22 (b) A certification to the State Lottery Agency under ~~§ 810(b)(2)(ii)~~ § 809 of this
23 subheading shall contain:

24 (1) The full name of the defendant OR LIABLE PARENT and any other
25 name known to be used by the defendant OR LIABLE PARENT;

26 (2) The Social Security number of the defendant OR LIABLE PARENT; and

27 (3) The amount of the arrearage.

28 (c) If a defendant OR LIABLE PARENT who is delinquent in restitution payments
29 wins a lottery prize to be paid by check directly by the State Lottery Agency, the State
30 Lottery Agency shall send a notice to the defendant OR LIABLE PARENT that:

31 (1) The defendant OR LIABLE PARENT has won a prize to be paid by the
32 State Lottery Agency;

33 (2) The Lottery Agency has received notice from the [Central Collection]
34 Unit of the defendant's OR LIABLE PARENT'S restitution arrearage in the amount
35 specified;

36 (3) State law requires the Lottery Agency to withhold the prize to pay it
37 towards the defendant's OR LIABLE PARENT'S restitution arrearage;

35

1 (4) The Lottery Agency proposes to transfer the prize, or that part of it
2 which is equal to the restitution arrearage, to the Unit if no appeal is filed within 15 days;

3 (5) The defendant OR LIABLE PARENT may appeal to the Unit if the
4 defendant OR LIABLE PARENT disputes the existence or the amount of the arrearage;
5 and

6 (6) If no appeal is filed within 15 days, the prize, or that part of it that is
7 equal to the restitution arrearage, shall be transferred to the Unit.

8 (d) The State Lottery Agency shall withhold any part of the prize up to the
9 amount of the arrearage until the Unit notifies the Agency as to whom the withheld prize
10 money shall be paid.

11 (e) Upon receipt of a notice from the State Lottery Agency, any defendant OR
12 LIABLE PARENT who disputes the existence or amount of the arrearage may appeal the
13 proposed transfer within 15 days after the date of the notice.

14 (f) If no appeal is filed within 15 days, the State Lottery Agency shall transfer the
15 amount of the prize withheld to the Unit.

16 (g) If the defendant OR LIABLE PARENT appeals the proposed transfer, after a
17 hearing the Unit shall notify the State Lottery Agency that the withheld prize shall be:

18 (1) Paid to the defendant OR LIABLE PARENT;

19 (2) Transferred to the Unit; or

20 (3) Partly paid to the defendant OR LIABLE PARENT and partly transferred
21 to the Unit, in the amounts specified.

22 (h) The State Lottery Agency shall honor lottery prize interception requests in the
23 following order:

24 (1) An interception request under § 10-113.1 of the Family Law Article; and

25 (2) An interception request under this section.

26 (i) The Secretary of Budget and Management and the Director of the State
27 Lottery Agency may jointly adopt regulations to implement this section.

28 ~~812.~~ 811.

29 (a) If a court issues [an order] A JUDGMENT of restitution under § 807 ~~OR § 808~~
30 of this subheading, the court may issue an immediate and continuing earnings withholding
31 order in an amount sufficient to pay the restitution:

32 (1) At THE sentencing OR DISPOSITION HEARING;

33 (2) When the defendant is placed on work release or probation; or

34 (3) When the payment of restitution is delinquent.

35 (b) Subject to federal law, the order of priority of execution of an earnings
36 withholding order shall be as follows:

36

1 (1) An earnings withholding order issued under § 10-126 of the Family Law
2 Article;

3 (2) An earnings withholding order issued under this section; and

4 (3) Any other lien or legal process.

5 (c) (1) If a court orders an earnings withholding order under this section:

6 (i) The clerk of the court immediately shall:

7 1. Serve a copy of the earnings withholding order on any
8 current or subsequent employers of the defendant OR LIABLE PARENT, if known; and

9 2. Mail a copy of the earnings withholding order to the
10 defendant OR LIABLE PARENT at the last known address or place of incarceration of the
11 defendant, if known;

12 (ii) A defendant OR LIABLE PARENT immediately shall notify the
13 court and the Division OR DEPARTMENT OF JUVENILE JUSTICE of:

14 1. Any objection to an earnings withholding order; and

15 2. The current address of the residence of the defendant OR
16 LIABLE PARENT, the name of the employer, and the work address of the defendant OR
17 LIABLE PARENT, or any change of employer, residence, or work address of the defendant
18 OR LIABLE PARENT;

19 (iii) An employer who is served with an earnings withholding order
20 under this section immediately shall notify the court and the Division OR DEPARTMENT
21 OF JUVENILE JUSTICE of the following information:

22 1. Any justification for an employer's inability to comply with
23 the earnings withholding order;

24 2. The address of the residence of the defendant OR LIABLE
25 PARENT on the termination of employment;

26 3. Information regarding the new place of employment of the
27 defendant OR LIABLE PARENT; or

28 4. That the defendant OR LIABLE PARENT has been
29 reemployed by the employer; and

30 (iv) Unless the information has previously been provided to the court,
31 the Division, DEPARTMENT OF JUVENILE JUSTICE, or the Central Collection Unit shall
32 notify the court of any current or subsequent address of the residence of the defendant
33 OR LIABLE PARENT and the employer and work address of the defendant OR LIABLE
34 PARENT.

35 (2) An earnings withholding order is binding on each present and future
36 employer of the defendant OR LIABLE PARENT who has been served with the order.

37

1 (3) Except as otherwise provided in this section, an earnings withholding
2 order issued under this section shall:

3 (i) Comply with the requirements of § 10-126(a) of the Family Law
4 Article; and

5 (ii) Set forth the obligations and responsibilities of an employer and a
6 defendant OR LIABLE PARENT under an earnings withholding order and the
7 consequences of violating a provision of this section.

8 (4) Each amount withheld in an earnings withholding order under this
9 section shall be payable to the Division OR DEPARTMENT OF JUVENILE JUSTICE.

10 (5) The provisions of § 10-127(a) through (c) of the Family Law Article
11 shall apply to an earnings withholding order under this section.

12 (6) (i) Subject to the provisions of paragraphs (ii) and (iii) of this
13 subsection, the payment amount under an earnings withholding order under this section
14 shall be 20 percent of the earnings of a defendant OR LIABLE PARENT as determined
15 under § 806 of this subheading.

16 (ii) If the restitution obligation of the defendant OR LIABLE PARENT
17 is considered to be delinquent, the court may impose a payment amount in excess of the
18 amount allowed in subparagraph (i) of this paragraph.

19 (iii) Any amount of an earnings withholding order issued under this
20 section may not exceed the requirements of the federal Consumer Credit Protection Act.

21 (iv) If a court determines that the amount of an earnings withholding
22 order issued under this section exceeds the requirements of the federal Consumer Credit
23 Protection Act, the court shall alter the amount of the order to the maximum allowed
24 under the federal Consumer Credit Protection Act.

25 (7) (i) A defendant OR LIABLE PARENT or employer of a defendant OR
26 LIABLE PARENT who violates the provisions of this section is subject to a fine not to
27 exceed \$250.

28 (ii) A fine collected under this section shall be distributed in the same
29 manner as the distribution of costs under § 830 of this subtitle.

30 (iii) In addition to any fine imposed under this paragraph, an employer
31 is liable for damages for the failure of the employer to deduct the earnings of a defendant
32 OR LIABLE PARENT or failure to make a timely payment as required in the order.

33 815.

34 (d) (1) Except as provided in paragraph (2) of this subsection, "crime" means
35 [an act]:

36 (i) [Committed] AN ACT COMMITTED by any person in this State
37 which is a criminal offense under State, federal, or common law;

38 (ii) [Committed] AN ACT COMMITTED in another state against a
39 resident of this State which is a criminal offense under State, federal, or common law;

38

1 (iii) [Of operating] OPERATING a motor vehicle in violation of [§
2 21-902(a), (b), (c), or (d)] § 21-902 of the Transportation Article; [or]

3 (iv) [Of operating] OPERATING a motor vehicle or vessel which
4 results in injury which was intentionally inflicted; OR

5 (V) A DELINQUENT ACT.

6 (2) Except as provided in paragraph (1)(iii) and (iv) of this subsection,
7 "crime" does not include an act involving the operation of a vessel or motor vehicle.

8 (f) "Victim" means a person who suffers:

9 (1) ~~Personal physical~~ PHYSICAL injury or death as a result of a crime; or

10 (2) Psychological injury as a direct result of:

11 (i) ~~First or second degree rape; or~~

12 (ii) ~~A first, second, third, or fourth degree sexual offense} A CRIME ;~~
13 OR

14 (II) A FELONY.

15 825.

16 (e) (2) Claimants filing for injuries incurred as the occupants of a motor vehicle
17 or dependents of an occupant of a motor vehicle operated by a person in violation of the
18 provisions of [§ 21-902(a), (b), (c), or (d)] § 21-902 of the Transportation Article may not
19 recover unless the claimant can prove that the occupant did not or could not
20 ~~REASONABLY~~ have known of the condition of the operator of the vehicle.

21 837.

22 (f) "Victim" means an individual who suffers direct or threatened physical,
23 emotional, or financial harm as a direct result of a crime OR AN ACT INVOLVING THE
24 OPERATION OF A MOTOR VEHICLE UNDER § 21-902 OF THE TRANSPORTATION
25 ARTICLE, including a family member of a minor, incompetent, or homicide victim.

26 842.

27 (b) Subject to the authority of the Executive Director, the Victim Services
28 Coordinator shall:

29 (7) Monitor compliance with the guidelines for treatment of and assistance
30 to victims and witnesses set under [§ 848] §§ 848 AND 851 of this subtitle.

31 854.

32 (k) (1) The Maryland Victims of Crime Fund shall be used for the purpose of
33 implementation of Article 47 of the Maryland Declaration of Rights and the guidelines
34 for treatment and assistance for crime victims and witnesses described in [§ 848] §§ 848
35 AND 851 of this subtitle and other laws adopted to benefit victims and witnesses of
36 [crime] CRIMES AND DELINQUENT ACTS.

37 (2) Any cost for the administration of the Fund may be paid from the Fund.

39

1 (3) The Fund shall be administered by the State Board of Victim Services
2 under §§ 837 through 844 of this subtitle.

3 855.

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

5 (2) "Agency" means any of the following:

6 (i) The Department of State Police;

7 (ii) The Baltimore City Police Department;

8 (iii) The police department, bureau, or force of any county;

9 (iv) The police department, bureau, or force of any incorporated city
10 or town;

11 (v) The office of the sheriff of any county;

12 (vi) The office of the State's Attorney of any county;

13 (vii) The office of the Attorney General;

14 (viii) The office of the State Prosecutor;

15 (ix) The Department of Juvenile Justice; or

16 (x) The police department, bureau, or force of any bicounty agency or
17 the University of Maryland.

18 (3) "Body fluids" has the meaning stated in § 18-338.1 of the Health -
19 General Article.

20 (4) "Charged" means the filing of an indictment, information, or petition
21 alleging a delinquent act.

22 (5) "Convicted" means:

23 (i) In receipt of a verdict or finding of guilt in a criminal proceeding;

24 (ii) Found to have committed a delinquent act in a juvenile proceeding
25 conducted in accordance with Title 3, Subtitle 8 of the Courts Article; or

26 (iii) Having accepted a plea of guilt or nolo contendere.

27 (6) "Department" means the Department of Health and Mental Hygiene.

28 (7) "Exposure" means, as between a victim and a person charged:

29 (i) Percutaneous contact with blood or body fluids;

30 (ii) Mucocutaneous contact with blood or body fluids;

31 (iii) Open wound, including dermatitis, exudative lesions, or chapped
32 skin, contact with blood or body fluids for a prolonged period; [or]

40

1 (iv) Intact skin contact with large amounts of blood or body fluids for a
2 prolonged period; OR

3 (V) ANY OTHER CONDITION OR CIRCUMSTANCE UNDER WHICH A
4 PERSON MAY BE EXPOSED TO HIV.

5 (8) "Health officer" has the meaning as stated in § 1-101(d) of the Health -
6 General Article.

7 (9) "HIV" means any human immunodeficiency virus that causes acquired
8 immune deficiency syndrome (AIDS).

9 (10) "Offense" means:

10 (i) Any prohibited activity involving a sexual act that includes:

11 1. Contact between the penis and the vulva or the penis and the
12 anus, and for purposes of this subparagraph contact involving the penis occurs upon
13 penetration, however slight; or

14 2. Contact between the mouth and the penis, the mouth and the
15 vulva, or the mouth and the anus; or

16 (ii) Any other criminal offense or delinquent act the commission of
17 which may have caused or resulted in an exposure.

18 (11) (i) "Victim" means the victim of an offense.

19 (ii) "Victim" includes:

20 1. The parent of a victim who is a minor;

21 2. The legal guardian of a victim; [or]

22 3. The person authorized to give substituted consent for the
23 victim under § 5-605 of the Health - General Article; ~~OR~~

24 4. A LAW ENFORCEMENT OFFICER ACTING IN THE
25 PERFORMANCE OF THE LAW ENFORCEMENT OFFICER'S OFFICIAL DUTIES AT THE
26 TIME OF THE EXPOSURE; OR

27 5. A PAID OR VOLUNTEER FIREFIGHTER, AN EMERGENCY
28 MEDICAL TECHNICIAN, OR RESCUE SQUADMAN WHILE ACTING IN THE
29 PERFORMANCE OF DUTY.

30 (b) (1) Upon the written request of a victim to the office of the State's Attorney
31 in the jurisdiction where an offense occurred, the court shall order an individual
32 convicted of committing the offense or being granted probation before judgment under §
33 641 of this article to furnish a blood sample to be tested for the presence of HIV and any
34 other identified causative agent of the acquired immune deficiency syndrome (AIDS).

35 (2) The written request shall be filed by the State's Attorney with the court
36 and sealed by the court.

41

1 (c) (1) If the individual is charged within 1 year after the offense occurred, in
2 addition to the provisions of subsection (b) of this section, upon the written request of a
3 victim to the office of the State's Attorney in the jurisdiction where an offense occurred,
4 the court may order, upon a finding of probable cause to believe that an exposure
5 occurred, an individual charged with the offense to furnish a blood sample to be tested
6 for the presence of HIV.

7 (2) (i) Prior to issuing any order for testing under the provisions of
8 paragraph (1) of this subsection, the court shall conduct a hearing at which both the
9 victim and the person charged have the right to be present.

10 (ii) Both the victim and the person charged shall be notified of:

- 11 1. The date, time, and location of the hearing; and
- 12 2. Their right to be present at the hearing.

13 (3) During the hearing only affidavits, counter-affidavits, and medical
14 records that relate to the material facts of the case used to support or rebut a finding of
15 probable cause for the issuance of a court order may be admissible.

16 (4) The written request of the victim shall be filed by the State's Attorney
17 with the court and sealed by the court.

18 (d) (1) After conviction, a granting of probation before judgment, or a finding
19 of probable cause by a court under subsection (b) or (c) of this section, respectively, the
20 State's Attorney shall promptly notify the local health officer of the victim's written
21 request for testing.

22 (2) Upon receipt of a court order for testing issued under subsection (b) or
23 (c) of this section, the local health officer or the local health officer's designee from any
24 other governmental entity shall:

25 (i) Promptly collect the blood sample from the convicted or charged
26 individual;

27 (ii) Conduct the test on the blood sample; and

28 (iii) Provide pretest and posttest counseling to the victim and the
29 charged or convicted individual in accordance with the provisions of Title 18, Subtitle 3,
30 Part VI of the Health - General Article.

31 (e) (1) After receiving the results of a test conducted under subsection (d) of
32 this section, the local health officer shall promptly notify the victim and the accused or
33 convicted individual of the test results.

34 (2) A local health officer may not disclose positive test results to a victim or
35 a charged or convicted individual without also providing, offering, or arranging for the
36 provision of appropriate counseling to the victim and the charged or convicted individual.

37 (f) The Department shall adopt regulations to implement the provisions of this
38 section, including regulations regarding:

39 (1) The confidentiality of test results; and

42

1 (2) Providing victims with counseling regarding HIV disease, HIV testing,
2 and referral for appropriate health care and support services.

3 (g) A victim of an offense described under this section shall be notified of the
4 provisions of this section by:

5 (1) An agency upon the filing with a court of a statement of charges or
6 indictment or information or petition alleging delinquency for the alleged commission of
7 an offense;

8 (2) A rape crisis program established under § 793 of this subtitle when the
9 program is contacted by the victim; or

10 (3) An intake officer who receives a complaint for the alleged commission of
11 an offense under § 3-810 of the Courts Article.

12 (h) (1) A victim who receives notification under subsection (e) of this section
13 may disclose the results of the test to any other individual OR ORGANIZATION to protect
14 the health and safety of, OR TO SEEK COMPENSATION FOR:

15 (i) The victim;

16 (ii) The victim's sexual partner; or

17 (iii) The victim's family.

18 (2) Except as otherwise provided in this section, any person who receives
19 notification or disclosure of the results of the test under this subsection and knowingly
20 discloses the results of that test in violation of this section is guilty of a misdemeanor and
21 on conviction is subject to imprisonment of not more than 90 days or a fine of not more
22 than \$5,000 or both.

23 (i) The results of any test conducted under this section are not admissible as
24 evidence of either guilt or innocence in any criminal proceeding arising out of the alleged
25 offense.

26 (j) A State employee or agent or employee of the Department who acts in
27 compliance with the provisions of this section shall have the immunity from liability
28 described under § 5-399.2 of the Courts Article for actions taken pursuant to this section.

29 **Article 19 - Comptroller**

30 43.

31 In this subtitle the following words have the meanings indicated:

32 (a) (3) "Debt" includes a delinquent restitution account on [an order] A
33 JUDGMENT of restitution referred to the unit for collection under Article 27, ~~§ 810~~ § 809
34 of the Code.

35 (b) (1) "Person" means any individual, fiduciary or business entity which may be
36 entitled to receive a Maryland income tax refund and which owes money to, or has a
37 delinquent account with, any State agency which has not been adjudged satisfied by court
38 order, set aside by court order, or discharged in bankruptcy.

43

1 (2) "Person" includes a defendant OR LIABLE PARENT in arrears of
 2 restitution payments whose account has been referred to the unit under Article 27, ~~§ 810~~
 3 § 809 of the Code.

4 **Article 31B - Patuxent Institution**

5 10.

6 (b) (1) The board of review may not grant an eligible person work release or
 7 leave under this section until it provides by mail written notice to the victim that it intends
 8 to decide whether to grant work release or leave to the eligible person.

9 (2) The board of review shall give the victim a reasonable opportunity to
 10 comment in writing on work release or leave OR TO PRESENT ORAL TESTIMONY IN A
 11 MANNER ESTABLISHED IN REGULATIONS ~~PROMULGATED~~ ADOPTED BY THE BOARD
 12 OF REVIEW before the board of review decides whether to grant work release or leave
 13 status to an eligible person.

14 (3) The board of review shall promptly notify the victim of the decision of
 15 the board of review regarding leave or work release.

16 (4) The victim may designate, in writing to the board of review, the name
 17 and address of a representative, who is a resident of this State, to receive notice for the
 18 victim.

19 (5) The board of review shall delete the victim's address and phone number
 20 before examination of any document by the eligible person or the eligible person's
 21 representative.

22 11.

23 (c) (1) The board of review shall provide by mail written notice of an eligible
 24 person's parole hearing to the victim.

25 (2) The board of review shall give the victim a reasonable opportunity to
 26 comment on the parole in writing OR PRESENT ORAL TESTIMONY IN A MANNER
 27 ESTABLISHED IN REGULATIONS ~~PROMULGATED~~ ADOPTED BY THE BOARD OF
 28 REVIEW before the board decides whether to grant parole to an eligible person.

29 (3) The board of review shall promptly notify the victim of the decision of
 30 the board of review regarding parole.

31 (4) The victim may designate, in writing to the board of review, the name
 32 and address of a representative, who is a resident of the State, to receive notice for the
 33 victim.

34 (5) The board of review shall delete the victim's address and phone number
 35 before examination of any document by the eligible person or the eligible person's
 36 representative.

37 **Article 41 - Governor - Executive and Administrative Departments**

38 4-504.

39 (a) The Commission has the exclusive power to:

44

1 (2) Negotiate and sign predetermined parole release agreements;

2 (d) (1) In this subsection, "victim" means a person who suffers personal physical
3 injury or death as a direct result of a crime or, if the victim is deceased, a designated
4 family member of the victim.

5 (2) (i) In cases where a defendant is sentenced to the Division of
6 Correction, ~~IF THE VICTIM FILED A NOTIFICATION REQUEST FORM UNDER ARTICLE~~
7 ~~27, § 770 OF THE CODE OR~~ if the victim makes a written request to the ~~Commission~~
8 DEPARTMENT for notification and maintains a current address on file with the
9 ~~Commission~~ DEPARTMENT, the ~~Commission~~, DEPARTMENT, IF PRACTICABLE, at least
10 ~~90~~ 60 days before the parole release hearing, shall notify the victim or designated
11 representative in writing, directed to the most current address on file, that a parole
12 release hearing has been scheduled for the inmate convicted of the commission of the
13 violent crime.

14 (ii) If the inmate was convicted of a violent crime:

15 1. The victim may submit to the ~~Commission~~ DEPARTMENT, in
16 writing, not later than 30 days from the date of the ~~Commission's~~ DEPARTMENT'S notice,
17 a request to require the Division of Parole and Probation to complete an updated victim
18 impact statement.

19 2. The Division of Parole and Probation shall complete the
20 updated statement at least 30 days prior to the parole release hearing.

21 3. The Division of Parole and Probation shall promptly send the
22 updated victim impact statement to the Commission.

23 (iii) At least 30 days before the parole release hearing, the victim may:

24 1. Make a written recommendation to the Commission on the
25 advisability of releasing the inmate on parole; and

26 2. Request that an inmate be prohibited from having any
27 contact with a victim as a condition of parole, MANDATORY SUPERVISION, WORK
28 RELEASE, OR OTHER ADMINISTRATIVE RELEASE.

29 (iv) The Commission shall make the updated victim impact statement
30 or recommendation available for the inmate's review under § 4-505 of this subtitle.

31 (v) If an updated victim impact statement or recommendation is
32 prepared under this subsection, the Commission shall consider the updated victim impact
33 statement or recommendation at the parole release hearing.

34 (vi) The victim may designate, in writing to the ~~Commission~~
35 DEPARTMENT, the name and address of a representative who is a resident of this State
36 to receive notice for the victim.

37 (3) The victim may request a meeting with a Commission member.

45

1 (4) At the parole release hearing for an inmate convicted of the violent
 2 crime, the victim or a designated representative may present oral testimony in a manner
 3 established in regulations ~~promulgated~~ ADOPTED by the Commission.

4 (5) The ~~Commission~~ DEPARTMENT shall promptly notify the victim or the
 5 victim's designated representative of the decision of the Commission regarding parole for
 6 the inmate convicted of the violent crime.

7 4-506.

8 Each hearing examiner and Commission member determining if an inmate is
 9 suitable for release on parole, AND THE COMMISSION BEFORE ENTERING INTO A
 10 PREDETERMINED PAROLE RELEASE AGREEMENT, shall consider:

11 (1) The circumstances surrounding the crime;

12 (2) The physical, mental, and moral qualification of the inmate eligible for
 13 parole;

14 (3) The progress of the inmate during his confinement, including the
 15 academic progress of the inmate in the mandatory education program required in §
 16 22-102 of the Education Article;

17 (4) Whether or not there is reasonable probability that the inmate, if
 18 released on parole, will remain at liberty without violating the law;

19 (5) Whether or not release on parole of the inmate is compatible with the
 20 welfare of society;

21 (6) An updated victim impact statement or recommendation prepared
 22 under § 4-504(d) of this subtitle;

23 (7) Any recommendation made by the sentencing judge at the time of
 24 sentencing;

25 (8) Any information that is presented to a Commission member at a meeting
 26 with the victim; and

27 (9) Any testimony presented to the Commission by the victim or the victim's
 28 designated representative under § 4-504(d)(4) of this subtitle.

29 4-511.

30 (f) If the inmate was convicted of a violent crime and the victim made a written
 31 request for notification under § 4-504 of this subtitle OR IF A VICTIM FILED A
 32 NOTIFICATION REQUEST FORM UNDER ARTICLE 27, § 770 OF THE CODE, [the
 33 Commission] THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
 34 shall notify the victim:

35 (1) THAT A WARRANT OR SUBPOENA WAS ISSUED BY THE COMMISSION
 36 FOR AN ALLEGED VIOLATION OF PAROLE;

37 [(1)] (2) That an inmate released on parole has been found guilty OR NOT
 38 GUILTY of violating a condition of parole; and

46

1 [(2)] (3) Of the punishment imposed for the violation.

2 4-511A.

3 (b) (1) In cases where a defendant is sentenced to the Division of Correction, if
 4 the victim makes a written request to the [Commission] DEPARTMENT for notification
 5 and maintains a current address on file with the [Commission] DEPARTMENT, the
 6 [Commission] DEPARTMENT shall notify the victim or designated representative in
 7 writing that an inmate is being considered for a:

8 (i) Commutation;

9 (ii) Pardon; or

10 (iii) Remission of sentence.

11 (2) If the inmate was convicted of a violent crime:

12 (i) The victim may submit to the Commission a victim impact
 13 statement; and

14 (ii) The Commission shall make the victim impact statement available
 15 for the inmate's review subject to § 4-505(b)(2) of this subtitle.

16 (3) If a victim impact statement or recommendation is submitted under this
 17 section, the Commission shall consider the victim impact statement or recommendation.

18 (4) The victim may request a meeting with a Commission member.

19 (5) The victim may designate, in writing to the [Commission]
 20 DEPARTMENT, the name and address of a representative to receive notice for the victim.

21 (6) The [Commission] DEPARTMENT shall promptly notify the victim or
 22 the victim's designated representative of the decision of the Commission.

23 4-612.

24 (i) If the inmate was convicted of a crime of violence as defined under Article 27,
 25 § 643B of the Code and the victim made a written request for notification under § 4-504
 26 of this subtitle OR IF A VICTIM FILED A NOTIFICATION REQUEST FORM UNDER
 27 ARTICLE 27, § 770 OF THE CODE, [the Commission] THE DEPARTMENT OF PUBLIC
 28 SAFETY AND CORRECTIONAL SERVICES shall notify the victim:

29 (1) IF A WARRANT OR SUBPOENA WAS ISSUED BY THE COMMISSION
 30 FOR AN ALLEGED VIOLATION OF MANDATORY SUPERVISION;

31 [(1)] (2) If an inmate released on mandatory supervision has been found
 32 guilty OR NOT GUILTY of violating a condition of mandatory supervision; and

33 [(2)] (3) Of the punishment imposed for the violation.

47

1 Article - Courts and Judicial Proceedings

2 3-828.

3 (a) A police record concerning a child is confidential and shall be maintained
4 separate from those of adults. Its contents may not be divulged, by subpoena or otherwise,
5 except by order of the court upon good cause shown or as otherwise provided in § 7-303
6 of the Education Article. This subsection does not prohibit access to and confidential use
7 of the record by the Department of Juvenile Justice or in the investigation and
8 prosecution of the child by any law enforcement agency.

9 (b) (1) A court record pertaining to a child is confidential and its contents may
10 not be divulged, by subpoena or otherwise, except by order of the court upon good cause
11 shown or as provided in § 7-303 of the Education Article.

12 (2) This subsection does not prohibit access to and the use of the court
13 record or fingerprints of a child described under the Criminal Justice Information System
14 subtitle of Article 27 of the Code in a proceeding in the court involving the child, by
15 personnel of the court, the State's Attorney, counsel for the child, a court-appointed
16 special advocate for the child, or authorized personnel of the Department of Juvenile
17 Justice, or, in a proceeding involving a child alleged to be in need of assistance, by
18 authorized personnel of the Social Services Administration and local departments of
19 social services of the Department of Human Resources in order to conduct a child abuse
20 or neglect investigation or to comply with requirements imposed under Title IV-E of the
21 Social Security Act.

22 (3) Information obtained from a juvenile court record by authorized
23 personnel of the Department of Human Resources under paragraph (2) of this subsection
24 is subject to the provisions of Article 88A, § 6 of the Code.

25 (4) (i) Except as provided in subparagraph (ii) of this paragraph, this
26 subsection does not prohibit access to and confidential use of the court record or
27 fingerprints of a child described under the Criminal Justice Information System subtitle
28 of Article 27 of the Code in an investigation and prosecution by a law enforcement
29 agency.

30 (ii) The court record or fingerprints of a child described under Article
31 27, §§ 747(a)(21) and 747A of the Code may not be disclosed to:

- 32 1. A federal criminal justice agency or information center; or
- 33 2. Any law enforcement agency other than a law enforcement
34 agency of the State or a political subdivision of the State.

35 (c) The court, on its own motion or on petition, and for good cause shown, may
36 order the court records of a child sealed, and, upon petition or on its own motion, shall
37 order them sealed after the child has reached 21 years of age. If sealed, the court records
38 of a child may not be opened, for any purpose, except by order of the court upon good
39 cause shown.

40 (d) This section does not prohibit access to or use of any juvenile record by the
41 Maryland Division of Parole and Probation or the Maryland Parole Commission when the

48

1 Division or the Commission is carrying out any of their statutory duties either at the
 2 direction of a court of competent jurisdiction, or when the Maryland Parole Commission
 3 is carrying out any of its statutory duties, if the record concerns a charge or adjudication
 4 of delinquency.

5 (e) This section does not prohibit access to and use of any juvenile record by the
 6 Maryland Division of Correction when the Division is carrying out any of its statutory
 7 duties if: (1) the individual to whom the record pertains is committed to the custody of
 8 the Division; and (2) the record concerns an adjudication of delinquency.

9 (f) Subject to the provisions of Article 83C, § 2-115 of the Code, this section does
 10 not prohibit access to or use of any juvenile record for criminal justice research purposes.
 11 A record used under this subsection may not contain the name of the individual to whom
 12 the record pertains, or any other identifying information which could reveal the
 13 individual's name.

14 (G) THIS SECTION DOES NOT PROHIBIT A VICTIM WHO HAS FILED A
 15 NOTIFICATION REQUEST FORM FROM BEING NOTIFIED OF PROCEEDINGS AND
 16 EVENTS INVOLVING THE DEFENDANT OR CHILD AS PROVIDED IN ARTICLE 27, §§ 770
 17 AND 788 OF THE CODE.

18 **Article - Health - General**

19 12-106.

20 (a) Whether or not the defendant is confined, if the court considers that resuming
 21 the criminal proceeding would be unjust because so much time has passed since the
 22 defendant was found incompetent to stand trial, the court may dismiss the charge.
 23 However, the court may not dismiss a charge:

24 (1) WITHOUT PROVIDING THE STATE'S ATTORNEY AND A VICTIM WHO
 25 HAS FILED A NOTIFICATION REQUEST FORM UNDER ARTICLE 27, § 770 OF THE CODE
 26 ADVANCE NOTICE AND AN OPPORTUNITY TO BE HEARD; AND

27 [(1)] (2) (I) Until 10 years after the defendant was found incompetent to
 28 stand trial in any capital case; or

29 [(2)] (II) Until 5 years after the defendant was found incompetent to stand
 30 trial in any other case where the penalty may be imprisonment in the State penitentiary.

31 (b) [The court shall notify the central repository of the criminal justice
 32 information system any time charges are dismissed under this section] IF CHARGES ARE
 33 DISMISSED UNDER THIS SECTION, THE COURT SHALL NOTIFY:

34 (1) THE VICTIM OF THE CRIME CHARGED WHO HAS FILED A
 35 NOTIFICATION REQUEST FORM UNDER ARTICLE 27, § 770 OF THE CODE; AND

36 (2) THE CENTRAL REPOSITORY OF THE CRIMINAL JUSTICE
 37 INFORMATION SYSTEM.

49

1 12-122.

2 (a) (1) In this section, "victim" means a victim of a crime of violence, as defined
3 in Article 27, § 643B of the Code OR A VICTIM WHO HAS FILED A NOTIFICATION
4 REQUEST FORM UNDER ARTICLE 27, § 770 OF THE CODE.

5 (2) "Victim" includes a designated family member of a victim who is
6 deceased, disabled, or a minor.

7 (b) A State's Attorney shall notify a victim of all rights provided under this
8 section.

9 (c) (1) A victim may request notification under this section by:

10 (I) [notifying] NOTIFYING the State's Attorney and the Department
11 ~~‡~~ once every 2 years} in writing of the victim's request for notification; OR

12 (II) FILING A NOTIFICATION REQUEST FORM UNDER ARTICLE 27, §
13 770 OF THE CODE.

14 (2) A victim's request for notification UNDER PARAGRAPH (1)(I) OF THIS
15 SUBSECTION shall designate:

16 (i) The address and telephone number of the victim; or

17 (ii) The name, address, and telephone number of a representative to
18 receive notice on behalf of the victim.

19 (3) A victim may, at any time, withdraw a request for notification.

20 (d) If a victim has requested notification in the manner provided under subsection
21 (c) of this section, the Department shall promptly notify the victim or the victim's
22 representative in writing when:

23 (1) The Department receives a court order to examine a defendant under §
24 12-110 of this subtitle;

25 (2) The Department receives a court order committing a defendant to the
26 Department under § 12-111 of this subtitle;

27 (3) A hearing is scheduled under § 12-114 of this subtitle;

28 (4) The Department receives notice that a committed individual has applied
29 for a hearing under § 12-118 of this subtitle;

30 (5) An administrative law judge recommends that a committed individual be
31 released after a hearing under § 12-114 of this subtitle;

32 (6) The Department submits a recommendation to the court for a
33 committed individual's conditional release under § 12-119 of this subtitle;

34 (7) The facility of the Department that has charge of a committed individual
35 has notified the State's Attorney that a committed individual is absent without
36 authorization; or

50

1 (8) The Department receives a court order for the conditional release or
2 discharge from commitment of a committed individual under § 12-117, § 12-118, or §
3 12-119 of this subtitle.

4 (e) Upon notification by the Department under subsection (d) of this section, a
5 victim may submit, in writing, to the State's Attorney and to the facility of the
6 Department that has charge of a committed individual:

7 (1) Any information that the victim considers relevant; and

8 (2) A request that the committed individual be prohibited from having any
9 contact with the victim, as a condition of release.

10 (f) If a victim submits information to the Department under this section, the
11 Department shall:

12 (1) Consider the information;

13 (2) Maintain at the facility that has charge of the committed individual,
14 separate from the medical record of the committed individual, the written statement of
15 the victim; and

16 (3) Delete the victim's or the victim's representative's address and
17 telephone number before any document is examined by the committed individual or the
18 committed individual's representative.

19 (g) This section may not be construed to authorize the release to the victim of any
20 medical, psychological, or psychiatric information on a committed individual.

21 (h) The facility of the Department that has charge of an individual under § 12-110
22 of this subtitle shall promptly notify the State's Attorney and a victim or a victim's
23 representative who has requested notification under this section if the individual is absent
24 without authorization.

25 (i) An agent or employee of the Department who acts in compliance with the
26 provisions of this section shall have the immunity from liability described under § 5-399.2
27 of the Courts Article.

28 **Article - State Finance and Procurement**

29 3-305.

30 (a) Except as otherwise provided in this section, the Central Collection Unit shall
31 pay the net proceeds of collections into the State Treasury.

32 (b) If the funds of a unit of the State government are not part of the State
33 Treasury, the Central Collection Unit shall deliver to the Treasurer the net proceeds of
34 collection on a debt or claim that was due to the unit of the State government for its
35 account.

36 (c) All fees collected under § 3-304(a)(2) of this subtitle shall be credited to the
37 Central Collection Fund established under § 3-306 of this subtitle.

1 (d) The Central Collection Unit shall deliver the net proceeds of collections from
2 defendants OR LIABLE PARENTS in arrears on restitution payments to the Division of
3 Parole and Probation OR THE DEPARTMENT OF JUVENILE JUSTICE to be forwarded by
4 the Division OR DEPARTMENT to the victim or other appropriate person or agency in
5 accordance with the ~~order~~ JUDGMENT of restitution.

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