
By: Senators Trotter and Young

Introduced and read first time: February 5, 1997

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Homicide - Victim Impact Statements - Changes**

3 FOR the purpose of allowing the personal representative, the guardian, or a family
4 member of a homicide victim to update or otherwise change the victim impact
5 statement throughout all sentencing and postsentencing procedures; and generally
6 relating to victim impact statements of homicide victims.

7 BY repealing and reenacting, with amendments,
8 Article 27 - Crimes and Punishments
9 Section 781
10 Annotated Code of Maryland
11 (1996 Replacement Volume)

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

14 **Article 27 - Crimes and Punishments**

15 781.

16 (a) A presentence investigation that is completed by the Division of Parole and
17 Probation under Article 41, § 4-609 of the Code shall include a victim impact statement,
18 if:

19 (1) The defendant, in committing a felony, caused physical, psychological, or
20 economic injury to the victim; or

21 (2) The defendant, in committing a misdemeanor, caused serious physical
22 injury or death to the victim.

23 (b) If the court does not order a presentence investigation, the State's Attorney
24 may prepare a victim impact statement to be submitted to the court and the defendant in
25 accordance with the Maryland Rules of Procedure pertaining to presentence
26 investigations.

27 (c) The court shall consider the victim impact statement in determining the
28 appropriate sentence, and in entering any order of restitution to the victim under § 807(c)
29 of this subtitle.

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1 (d) A victim impact statement shall:

2 (1) Identify the victim of the offense;

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

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

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

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

11 (6) Contain any other information related to the impact of the offense upon
12 the victim or the victim's family that the court requires.

13 (e) If the victim is deceased, under a mental, physical, or legal disability, or
14 otherwise unable to provide the information required under this section, the information
15 may be obtained from the personal representative, guardian, or committee, or such family
16 members as may be necessary.

17 (F) THE PERSONAL REPRESENTATIVE, THE GUARDIAN, OR A FAMILY
18 MEMBER OF THE VICTIM OF A HOMICIDE MAY UPDATE OR OTHERWISE CHANGE
19 THE VICTIM IMPACT STATEMENT THROUGHOUT ALL SENTENCING AND
20 POSTSENTENCING PROCEDURES.

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