
By: **Delegates Muse, Valderrama, Pitkin, Vallario, Patterson, R. Baker,
Menes, Frush, and Palumbo**

Introduced and read first time: February 20, 1998

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes of Violence - Notification to Victims**

3 FOR the purpose of requiring a State's Attorney to send certain notices to victims of
4 certain crimes of violence; requiring the Maryland Parole Commission to notify
5 victims of certain crimes of violence regarding certain predetermined parole
6 release agreements with inmates; requiring a State's Attorney to notify victims
7 of certain crimes of violence regarding certain postsentencing proceedings;
8 requiring the Department of Public Safety and Correctional Services to notify
9 victims of certain crimes of violence regarding certain information; requiring
10 certain agencies with custody of certain defendants or children to notify victims
11 of certain crimes of violence regarding certain information; requiring the
12 Department of Health and Mental Hygiene to notify victims of certain crimes of
13 violence regarding certain information; and generally relating to notification
14 provided to victims of crimes of violence.

15 BY repealing and reenacting, without amendments,
16 Article 27 - Crimes and Punishments
17 Section 643B(a)
18 Annotated Code of Maryland
19 (1996 Replacement Volume and 1997 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article 27 - Crimes and Punishments
22 Section 700G, 770, 784, 786, 787, and 789
23 Annotated Code of Maryland
24 (1996 Replacement Volume and 1997 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article - Health - General
27 Section 12-122
28 Annotated Code of Maryland
29 (1994 Replacement Volume and 1997 Supplement)

1 BY repealing and reenacting, with amendments,
2 Article 41 - Governor - Executive and Administrative Departments
3 Section 4-511(f), 4-511A(b), and 4-612(i)
4 Annotated Code of Maryland
5 (1997 Replacement Volume and 1997 Supplement)

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

8 **Article 27 - Crimes and Punishments**

9 643B.

10 (a) As used in this section, the term "crime of violence" means abduction;
11 arson in the first degree; kidnapping; manslaughter, except involuntary
12 manslaughter; mayhem and maiming, as previously proscribed under §§ 384, 385,
13 and 386 of this article; murder; rape; robbery; robbery with a deadly weapon;
14 carjacking or armed carjacking; sexual offense in the first degree; sexual offense in
15 the second degree; use of a handgun in the commission of a felony or other crime of
16 violence; an attempt to commit any of the aforesaid offenses; assault in the first
17 degree; and assault with intent to murder, assault with intent to rape, assault with
18 intent to rob, assault with intent to commit a sexual offense in the first degree, and
19 assault with intent to commit a sexual offense in the second degree, as these crimes
20 were previously proscribed under former § 12 of this article.

21 The term "correctional institution" includes Patuxent Institution and a local or
22 regional jail or detention center.

23 700G.

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

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

35 (c) This section does not affect any diminution of sentence earned under §§
36 700, 700A, 718, and 725 of this article.

37 (d) (1) If a victim has filed a notification request form under § 770 of this
38 article OR IS A VICTIM OF A CRIME OF VIOLENCE AS DEFINED IN § 643B OF THIS
39 ARTICLE, the Maryland Parole Commission, if practicable, shall notify the victim in

1 writing at least 90 days prior to entering into or approving a predetermined parole
2 release agreement with the inmate.

3 (2) The Maryland Parole Commission may not enter into a
4 predetermined parole release agreement unless it has notified the victim under
5 paragraph (1) of this subsection.

6 770.

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

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

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

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

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

15 (ii) At the appellate level, the Attorney General or the Attorney
16 General's designee.

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

20 (c) (1) [Within] EXCEPT AS PROVIDED IN SUBSECTION (J) OF THIS
21 SECTION, WITHIN 10 days after the later of the filing or the unsealing of an
22 indictment or information in circuit court, the State's Attorney shall:

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

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

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

30 (2) [On] EXCEPT AS PROVIDED IN SUBSECTION (J) OF THIS SECTION, ON
31 the filing of a petition alleging delinquency in a case in which the child is alleged to
32 have committed an act that could only be tried in the circuit court if committed by an
33 adult, the State's Attorney shall:

34 (i) Inform the victim of the right to request restitution under § 807
35 of this article;

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

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

6 (d) (1) On completion of a notification request form obtained from the
7 State's Attorney under subsection (c) of this section, the victim may file the form with
8 the State's Attorney.

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

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

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

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

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

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

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

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

1 (2) If a probation order is issued after a victim has filed a notification
2 request form under subsection (d) of this section, the clerk shall include a copy of the
3 notification request form with the probation order.

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

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

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

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

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

18 (J) (1) THIS SUBSECTION APPLIES TO A VICTIM OF A CRIME OF VIOLENCE,
19 AS DEFINED IN § 643B OF THIS ARTICLE.

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

23 (I) MAIL OR OTHERWISE DELIVER TO THE VICTIM A COPY OF THE
24 PAMPHLET DESCRIBED IN § 841(8)(II) OF THIS ARTICLE;

25 (II) SEND TO THE VICTIM PRIOR NOTICE, IF PRACTICABLE, OF ALL
26 PROCEEDINGS THAT AFFECT THE VICTIM'S INTEREST, INCLUDING A BAIL HEARING
27 OR CHANGE IN THE DEFENDANT'S PRETRIAL ORDER, DISMISSAL, NOLLE PROSEQUI
28 OR STETTING OF CHARGES, TRIAL, DISPOSITION, OR POSTSENTENCING COURT
29 PROCEEDINGS; AND

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

33 (3) ON THE FILING OF A PETITION ALLEGING DELINQUENCY IN A CASE
34 IN WHICH A CHILD IS ALLEGED TO HAVE COMMITTED AN ACT THAT COULD ONLY BE
35 TRIED IN A CIRCUIT COURT IF COMMITTED BY AN ADULT, THE STATE'S ATTORNEY
36 SHALL:

37 (I) INFORM THE VICTIM OF THE RIGHT TO REQUEST RESTITUTION
38 UNDER § 807 OF THIS ARTICLE;

1 (II) SEND TO THE VICTIM PRIOR NOTICE, IF PRACTICABLE, OF ALL
2 PROCEEDINGS THAT AFFECT THE VICTIM'S INTEREST, INCLUDING AN
3 ADJUDICATORY HEARING, DISPOSITION HEARING, OR DISMISSAL; AND

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

7 (4) A VICTIM MAY ELECT NOT TO RECEIVE ANY NOTICES DESCRIBED IN
8 THIS SUBSECTION BY FILING A WRITTEN REQUEST WITH:

9 (I) IF THE CASE IS STILL IN THE CIRCUIT COURT OR THE JUVENILE
10 COURT, THE STATE'S ATTORNEY; OR

11 (II) IF A COMMITMENT ORDER HAS BEEN ISSUED IN THE CASE, THE
12 DEPARTMENT OR FACILITY SPECIFIED IN THE COMMITMENT ORDER TO WHICH THE
13 DEFENDANT HAS BEEN COMMITTED.

14 784.

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

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

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

19 (3) In a juvenile delinquency case, a review of a commitment order or
20 other disposition under the Maryland Rules;

21 (4) An appeal to the Court of Special Appeals;

22 (5) An appeal to the Court of Appeals; or

23 (6) Any other postsentencing court proceeding.

24 (b) Following conviction or adjudication and sentencing or disposition of a
25 defendant for a felony or delinquent act that would be a felony if committed by an
26 adult, the victim, or in the case of a homicide, a designated family member, shall be
27 notified of a subsequent proceeding in accordance with § 770(e) of this article if:

28 (1) Prior to the distribution by the State's Attorney of notification
29 request forms under § 770(c) of this article, the victim submitted to the State's
30 Attorney a written request to be notified of subsequent proceedings; [or]

31 (2) After the distribution by the State's Attorney of notification request
32 forms under § 770(c) of this article, the victim filed a notification request form in
33 accordance with § 770(d) of this article; OR

34 (3) THE VICTIM IS A VICTIM OF A CRIME OF VIOLENCE AS DEFINED IN §
35 643B OF THIS ARTICLE.

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

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

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

6 (2) Following the initial notification to the victim or receipt of a
7 notification request form, as defined under § 770 of this article, the office of the
8 Attorney General shall:

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

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

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

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

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

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

18 786.

19 (a) This section applies to a victim who:

20 (1) [has] HAS made a written request to the Department of Public
21 Safety and Correctional Services for notification; [or]

22 (2) HAS filed a notification request form under § 770 of this article; OR

23 (3) IS A VICTIM OF A CRIME OF VIOLENCE AS DEFINED IN § 643B OF THIS
24 ARTICLE.

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

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

30 (c) (1) If a person who was convicted of a violent crime is found guilty of
31 violating a condition of parole, the Department of Public Safety and Correctional
32 Services shall notify the victim as provided under Article 41, § 4-511(f) of the Code.

1 (2) If a warrant or subpoena is issued for a person who was convicted of
2 a violent crime for an alleged violation of a condition of parole, the Department of
3 Public Safety and Correctional Services shall notify the victim as provided under
4 Article 41, § 4-511(f) of the Code.

5 (d) (1) If a person who is sentenced to the Division of Correction is being
6 considered for a commutation, pardon, or remission of sentence, the Department of
7 Public Safety and Correctional Services shall notify the victim as provided under
8 Article 41, § 4-511A(b)(1), (4), (5), and (6) of the Code.

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

14 (e) (1) If a person who was convicted of a crime of violence is found guilty of
15 violating a condition of mandatory supervision, the Department of Public Safety and
16 Correctional Services shall notify the victim as provided under Article 41, § 4-612(i)
17 of the Code.

18 (2) If a warrant or subpoena is issued for a person who was convicted of
19 a violent crime for an alleged violation of a condition of mandatory supervision, the
20 Department of Public Safety and Correctional Services shall notify the victim as
21 provided under Article 41, § 4-511(f) of the Code.

22 (f) Before entering into a predetermined parole release agreement with an
23 inmate, the Maryland Parole Commission shall notify a victim as provided under §
24 700G of this article.

25 787.

26 If a person has been committed under § 12-111 of the Health - General Article
27 for a crime of violence, [and a victim of the crime has made a written request to the
28 Department of Health and Mental Hygiene for notification or filed a notification
29 request form under § 770 of this article,] the victim has the rights provided under §
30 12-122 of the Health - General Article.

31 789.

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

33 (2) "Commitment agency" means a department or facility that has been
34 ordered by a court to retain custody of a defendant or child and, EXCEPT AS PROVIDED
35 IN § 770(J) OF THIS ARTICLE, has received a notification request form under § 770(f) or
36 (i) of this article.

37 (3) "Release from confinement" means work release, home detention,
38 and any other administrative or statutorily authorized release of a defendant from a
39 confinement facility.

1 (4) "Victim" means a victim who:

2 (I) [has] HAS filed a notification request form under § 770 of this
3 article; OR

4 (II) IS A VICTIM OF A CRIME OF VIOLENCE AS DEFINED IN § 643B OF
5 THIS ARTICLE.

6 (b) On receipt of a notification request form under § 770(f) or (i) of this article
7 OR IF THE VICTIM IS A VICTIM OF A CRIME OF VIOLENCE, if practicable, a
8 commitment agency shall notify the victim of:

9 (1) The commitment agency's receipt of the notification request form;

10 (2) The date on which the defendant was placed under the custody of the
11 commitment agency;

12 (3) How to change the address of the victim or of the person to receive
13 notice for the victim; and

14 (4) How to elect not to receive any future notices.

15 (c) A commitment agency shall notify a victim, in advance if practicable, if any
16 of the following events occur concerning the defendant:

17 (1) An escape;

18 (2) A recapture;

19 (3) A transfer to another commitment agency;

20 (4) A release from confinement and any conditions attached to the
21 release; and

22 (5) The death of the defendant.

23 (d) A commitment agency may not disclose to a defendant the address or
24 telephone number of a victim or person who receives notice for the victim.

25 **Article - Health - General**

26 12-122.

27 (a) (1) In this section, "victim" means a victim of a crime of violence, as
28 defined in Article 27, § 643B of the Code or a victim who has filed a notification
29 request form under Article 27, § 770 of the Code.

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

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

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

4 (i) Notifying the State's Attorney and the Department once every 2
5 years in writing of the victim's request for notification; or

6 (ii) Filing a notification request form under Article 27, § 770 of the
7 Code.

8 (2) A victim's request for notification under paragraph (1)(i) of this
9 subsection shall designate:

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

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

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

14 (d) If a victim has requested notification in the manner provided under
15 subsection (c) of this section OR IS A VICTIM OF A CRIME OF VIOLENCE, the
16 Department shall promptly notify the victim or the victim's representative in writing
17 when:

18 (1) The Department receives a court order to examine a defendant under
19 § 12-110 of this subtitle;

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

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

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

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

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

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

32 (8) The Department receives a court order for the conditional release or
33 discharge from commitment of a committed individual under § 12-117, § 12-118, or §
34 12-119 of this subtitle.

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

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

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

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

9 (1) Consider the information;

10 (2) Maintain at the facility that has charge of the committed individual,
11 separate from the medical record of the committed individual, the written statement
12 of the victim; and

13 (3) Delete the victim's or the victim's representative's address and
14 telephone number before any document is examined by the committed individual or
15 the committed individual's representative.

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

18 (h) The facility of the Department that has charge of an individual under §
19 12-110 of this subtitle shall promptly notify the State's Attorney, A VICTIM OF A
20 CRIME OF VIOLENCE, and a victim or a victim's representative who has requested
21 notification under this section if the individual is absent without authorization.

22 (i) An agent or employee of the Department who acts in compliance with the
23 provisions of this section shall have the immunity from liability described under §
24 5-522 of the Courts Article.

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

26 4-511.

27 (f) If the inmate was convicted of a [violent crime and the victim made a
28 written request for notification under § 4-504 of this subtitle or if a victim filed a
29 notification request form under Article 27, § 770 of the Code] CRIME OF VIOLENCE AS
30 DEFINED IN ARTICLE 27, § 643B OF THE CODE, the Department of Public Safety and
31 Correctional Services shall notify the victim:

32 (1) That a warrant or subpoena was issued by the Commission for an
33 alleged violation of parole;

34 (2) That an inmate released on parole has been found guilty or not guilty
35 of violating a condition of parole; and

1 (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,
4 if the victim makes a written request to the Department for notification and
5 maintains a current address on file with the Department, [or if the victim filed]
6 FILES a notification request form under Article 27, § 770 of the Code, OR IS A VICTIM
7 OF A CRIME OF VIOLENCE AS DEFINED IN ARTICLE 27, § 643B OF THE CODE, the
8 Department shall notify the victim or designated representative in writing that an
9 inmate is being considered for a:

10 (i) Commutation;

11 (ii) Pardon; or

12 (iii) Remission of sentence.

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

14 (i) The victim may submit to the Commission a victim impact
15 statement; and

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

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

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

22 (5) The victim may designate, in writing to the Department, the name
23 and address of a representative to receive notice for the victim.

24 (6) The Department shall promptly notify the victim or the victim's
25 designated representative of the decision of the Commission.

26 4-612.

27 (i) If the inmate was convicted of a crime of violence as defined under Article
28 27, § 643B of the Code [and the victim made a written request for notification under
29 § 4-504 of this subtitle or if a victim filed a notification request form under Article 27,
30 § 770 of the Code], the Department of Public Safety and Correctional Services shall
31 notify the victim:

32 (1) If a warrant or subpoena was issued by the Commission for an
33 alleged violation of mandatory supervision;

34 (2) If an inmate released on mandatory supervision has been found
35 guilty or not guilty of violating a condition of mandatory supervision; and

1 (3) Of the punishment imposed for the violation.

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
3 October 1, 1998.