Unofficial Copy E2 1998 Regular Session 8lr2565

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	A TAT		•
	$\Delta$ $ \mathbf{X} $	$\Delta U$	concerning
1	$\Delta \mathbf{M}$	$\Lambda$ CI	CONCUMINE

2	<b>Crimes of Violence</b>	- Notification to V	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
- 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
- of certain crimes of violence regarding certain information; requiring the
- 12 Department of Health and Mental Hygiene to notify victims of certain crimes of
- violence regarding certain information; and generally relating to notification
- 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,
- Article 41 Governor Executive and Administrative Departments 2
- 3 Section 4-511(f), 4-511A(b), and 4-612(i)
- Annotated Code of Maryland 4
- 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:

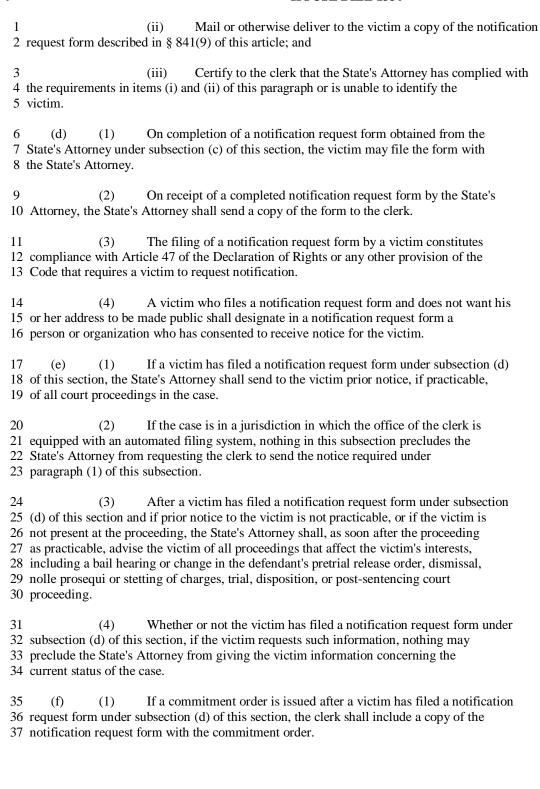
### **Article 27 - Crimes and Punishments**

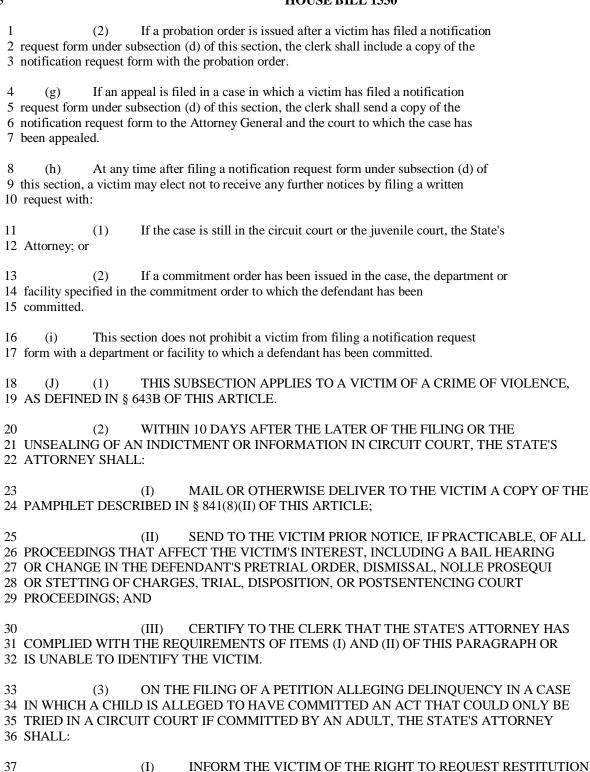
9 643B.

8

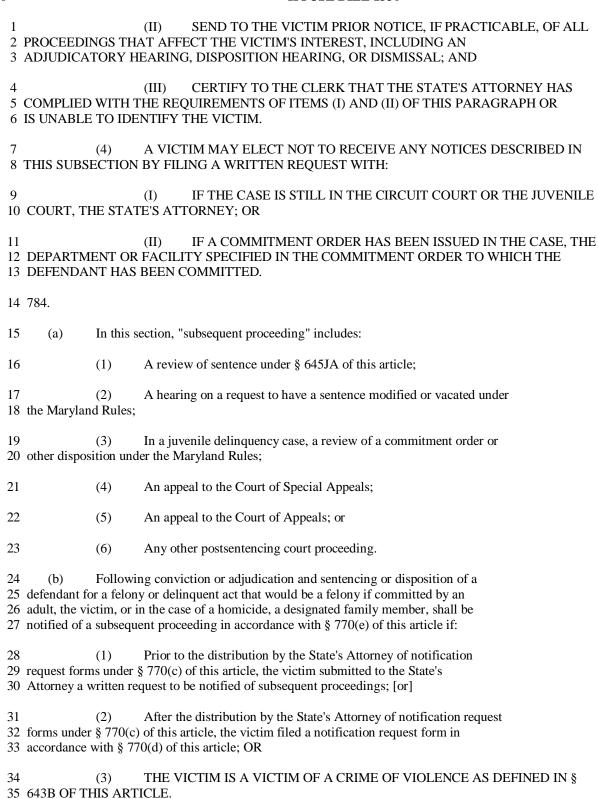
- 10 (a) As used in this section, the term "crime of violence" means abduction;
- 11 arson in the first degree; kidnapping; manslaughter, except involuntary
- 12 manslaughter; mayhem and maiming, as previously proscribed under §§ 384, 385,
- 13 and 386 of this article; murder; rape; robbery; robbery 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 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.
- This section does not affect any diminution of sentence earned under §§ 35
- 36 700, 700A, 718, and 725 of this article.
- 37 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

	writing at least 90 days prior to entering into or approving a predetermined parole release agreement with the inmate.				
	predetermined p paragraph (1) of	arole release	Maryland Parole Commission may not enter into a agreement unless it has notified the victim under ion.		
6	770.				
7	(a) (1)	In this	s section the following words have the meanings indicated.		
		nal, or finan	m" means an individual who suffers direct or threatened cial harm as a direct result of a crime or delinquent act, or guardian of a minor, incompetent, or homicide victim.		
11 12	as the juvenile of		"means the clerk of a circuit court or the clerk of a court sitting context requires.		
13	(4)	"State	's Attorney" includes:		
14		(i)	The State's Attorney's designee; and		
15 16	General's design	(ii)	At the appellate level, the Attorney General or the Attorney		
		or juvenile ir	t with a victim, a law enforcement officer, District Court nake officer shall give the victim a copy of the pamphlet his article.		
	SECTION, WIT	ΓΗΙΝ 10 day	in] EXCEPT AS PROVIDED IN SUBSECTION (J) OF THIS as after the later of the filing or the unsealing of an a circuit court, the State's Attorney shall:		
23 24	described in § 8	(i) 41(8)(ii) of	Mail or otherwise deliver to the victim a copy of the pamphlet this article;		
25 26		(ii) scribed in §	Mail or otherwise deliver to the victim a copy of the notification 841(9) of this article; and		
		(iii) s in items (i)	Certify to the clerk that the State's Attorney has complied with and (ii) of this paragraph or is unable to identify the		
32	the filing of a p	etition allegi I an act that	EXCEPT AS PROVIDED IN SUBSECTION (J) OF THIS SECTION, ON ng delinquency in a case in which the child is alleged to could only be tried in the circuit court if committed by an nall:		
34 35	of this article;	(i)	Inform the victim of the right to request restitution under § 807		





38 UNDER § 807 OF THIS ARTICLE;

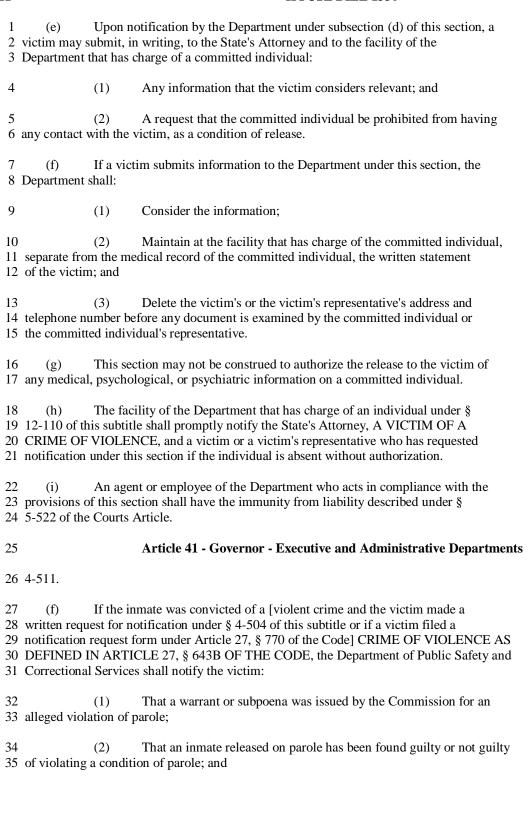


1	(c)	(1)	The State's Attorney's office shall:
2 3	the Court of	Special A	(i) Notify the victim or designated family member of all appeals to Appeals and the Court of Appeals filed by the defendant; and
4 5	office of the	Attorney	(ii) Send an information copy of the victim's notification to the General.
	notification a		Following the initial notification to the victim or receipt of a orm, as defined under § 770 of this article, the office of the ll:
	dates pertine the appellate		(i) Notify the victim or designated family member of all subsequent appeal, including hearings, postponements, and the decisions of and
12 13	State's Attor	rney's off	(ii) Send an information copy of the victim's notification to the ice.
14	(d)	A notice	e 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 sec	tion applies to a victim who:
20 21	Safety and (	(1) Correction	[has] HAS made a written request to the Department of Public nal Services for notification; [or]
22		(2)	HAS filed a notification request form under § 770 of this article; OR
23 24	ARTICLE.	(3)	IS A VICTIM OF A CRIME OF VIOLENCE AS DEFINED IN § 643B OF THIS
			If a parole release hearing is scheduled for a person who has been ced to the Division of Correction for a crime, the victim has the r Article 41, § 4-504(d) of the Code.
28 29	Article 41,	(2) § 4-507(c	At a parole release hearing, a victim has the rights provided under ) and (d) of the Code.
			If a person who was convicted of a violent crime is found guilty of of parole, the Department of Public Safety and Correctional the victim as provided under Article 41, § 4-511(f) of the Code.

3	(2) If a warrant or subpoena is issued for a person who was convicted of a violent crime for an alleged violation of a condition of parole, the Department of Public Safety and Correctional Services shall notify the victim as provided under Article 41, § 4-511(f) of the Code.
7	(d) (1) If a person who is sentenced to the Division of Correction is being considered for a commutation, pardon, or remission of sentence, the Department of Public Safety and Correctional Services shall notify the victim as provided under Article 41, § 4-511A(b)(1), (4), (5), and (6) of the Code.
11 12	(2) In addition to the right of notification referred to in paragraph (1) of this subsection, if the person described in paragraph (1) of this subsection was convicted of a violent crime, a victim has the rights regarding submission and consideration of a victim impact statement provided under Article 41, § 4-511A(b)(2) and (3) of the Code.
16	(e) (1) If a person who was convicted of a crime of violence is found guilty of violating a condition of mandatory supervision, the Department of Public Safety and Correctional Services shall notify the victim as provided under Article 41, § 4-612(i) of the Code.
20	(2) If a warrant or subpoena is issued for a person who was convicted of a violent crime for an alleged violation of a condition of mandatory supervision, the Department of Public Safety and Correctional Services shall notify the victim as provided under Article 41, § 4-511(f) of the Code.
	(f) Before entering into a predetermined parole release agreement with an inmate, the Maryland Parole Commission shall notify a victim as provided under § 700G of this article.
25	787.
28 29	If a person has been committed under § 12-111 of the Health - General Article for a crime of violence, [and a victim of the crime has made a written request to the Department of Health and Mental Hygiene for notification or filed a notification request form under § 770 of this article,] the victim has the rights provided under § 12-122 of the Health - General Article.
31	789.
32	(a) (1) In this section the following words have the meanings indicated.
35	(2) "Commitment agency" means a department or facility that has been ordered by a court to retain custody of a defendant or child and, EXCEPT AS PROVIDED IN § 770(J) OF THIS ARTICLE, has received a notification request form under § 770(f) or (i) of this article.
	(3) "Release from confinement" means work release, home detention, and any other administrative or statutorily authorized release of a defendant from a confinement facility.

1		(4)	"Victim	" means a victim who:
2	article; OR		(I)	[has] HAS filed a notification request form under § 770 of this
4 5	THIS ARTIC	LE.	(II)	IS A VICTIM OF A CRIME OF VIOLENCE AS DEFINED IN § 643B OF
	OR IF THE V	/ICTIM	IS A VIC	otification request form under § 770(f) or (i) of this article CTIM OF A CRIME OF VIOLENCE, if practicable, a sy the victim of:
9		(1)	The com	nmitment agency's receipt of the notification request form;
10 11	commitment	(2) agency;	The date	on which the defendant was placed under the custody of the
12 13	notice for the			change the address of the victim or of the person to receive
14		(4)	How to	elect not to receive any future notices.
15 16				gency shall notify a victim, in advance if practicable, if any concerning the defendant:
17		(1)	An escaj	pe;
18		(2)	A recapt	ure;
19		(3)	A transfe	er to another commitment agency;
20 21	release; and	(4)	A releas	e from confinement and any conditions attached to the
22		(5)	The deat	th of the defendant.
23 24				gency may not disclose to a defendant the address or or person who receives notice for the victim.
25				Article - Health - General
26	12-122.			
	defined in Ar		§ 643B	ection, "victim" means a victim of a crime of violence, as of the Code or a victim who has filed a notification § 770 of the Code.
30 31	deceased dis	(2) sabled or		' includes a designated family member of a victim who is

1 2	(b) section.	A State's	s Attorne	y shall notify a victim of all rights provided under this
3	(c)	(1)	A victim	n may request notification under this section by:
4 5	years in writ	ing of the	(i) victim's	Notifying the State's Attorney and the Department once every 2 request for notification; or
6 7	Code.		(ii)	Filing a notification request form under Article 27, § 770 of the
8 9	subsection sl	(2) nall desig		a's request for notification under paragraph (1)(i) of this
10			(i)	The address and telephone number of the victim; or
11 12	to receive no	otice on b	(ii) ehalf of t	The name, address, and telephone number of a representative he victim.
13		(3)	A victim	n may, at any time, withdraw a request for notification.
16	subsection (	c) of this	section C	quested notification in the manner provided under DR IS A VICTIM OF A CRIME OF VIOLENCE, the tify the victim or the victim's representative in writing
18 19	§ 12-110 of	(1) this subti		partment receives a court order to examine a defendant under
20 21	Department	(2) under § 1		partment receives a court order committing a defendant to the this subtitle;
22		(3)	A hearin	g is scheduled under § 12-114 of this subtitle;
23 24	applied for a	(4) a hearing		partment receives notice that a committed individual has 2-118 of this subtitle;
25 26	individual b	(5) e released		inistrative law judge recommends that a committed learing under § 12-114 of this subtitle;
27 28	committed i	(6) ndividual		partment submits a recommendation to the court for a onal release under § 12-119 of this subtitle;
	individual h without auth		d the Stat	lity of the Department that has charge of a committed te's Attorney that a committed individual is absent
	discharge from 12-119 of the		nitment of	partment receives a court order for the conditional release or f a committed individual under § 12-117, § 12-118, or §



1	(3)	Of the p	ounishment imposed for the violation.		
2	4-511A.				
5 6 7 8	(b) (1) In cases where a defendant is sentenced to the Division of Correction, if the victim makes a written request to the Department for notification and maintains a current address on file with the Department, [or if the victim filed] FILES a notification request form under Article 27, § 770 of the Code, OR IS A VICTIM OF A CRIME OF VIOLENCE AS DEFINED IN ARTICLE 27, § 643B OF THE CODE, the Department shall notify the victim or designated representative in writing that an inmate is being considered for a:				
10		(i)	Commutation;		
11		(ii)	Pardon; or		
12		(iii)	Remission of sentence.		
13	(2)	If the in	mate was convicted of a violent crime:		
14 15	statement; and	(i)	The victim may submit to the Commission a victim impact		
16 17	available for the inn	(ii) nate's revie	The Commission shall make the victim impact statement ew subject to § 4-505(b)(2) of this subtitle.		
	8 (3) If a victim impact statement or recommendation is submitted under 9 this section, the Commission shall consider the victim impact statement or 0 recommendation.				
21	(4)	The vict	im may request a meeting with a Commission member.		
22 23	2 (5) The victim may designate, in writing to the Department, the name and address of a representative to receive notice for the victim.				
24 25	4 (6) The Department shall promptly notify the victim or the victim's designated representative of the decision of the Commission.				
26	4-612.				
29 30	27, § 643B of the C § 4-504 of this subt	ode [and thit]	s convicted of a crime of violence as defined under Article he victim made a written request for notification under victim filed a notification request form under Article 27, tment of Public Safety and Correctional Services shall		
32 33	(1) alleged violation of		rant or subpoena was issued by the Commission for an y supervision;		
34 35	(2) guilty or not guilty		nate released on mandatory supervision has been found g a condition of mandatory supervision; and		

- (3) Of the punishment imposed for the violation. 1
- 2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 3 October 1, 1998.