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By: Senator Stone (Task Force to Examine Maryland's Crime Victims'
Rights Laws)

Introduced and read first time: January 30, 1998

Assigned to: Judicial Proceedings

A BILL ENTITLED

1	A TAT		•
1	AN	ACL	concerning
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2 Parole Hearings - Oral Testimony by Victims

- 3 FOR the purpose of expanding the category of victims or designated representatives
- 4 who are entitled to present oral testimony at certain parole release hearings;
- 5 requiring certain victims to make a written request to the Parole Commission to
- 6 have certain parole release hearings open to the public; altering a certain
- 7 definition; and generally relating to parole release hearings.
- 8 BY repealing and reenacting, with amendments,
- 9 Article 41 Governor Executive and Administrative Departments
- 10 Section 4-504(d) and 4-507
- 11 Annotated Code of Maryland
- 12 (1997 Replacement Volume and 1997 Supplement)
- 13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 14 MARYLAND, That the Laws of Maryland read as follows:

15 Article 41 - Governor - Executive and Administrative Departments

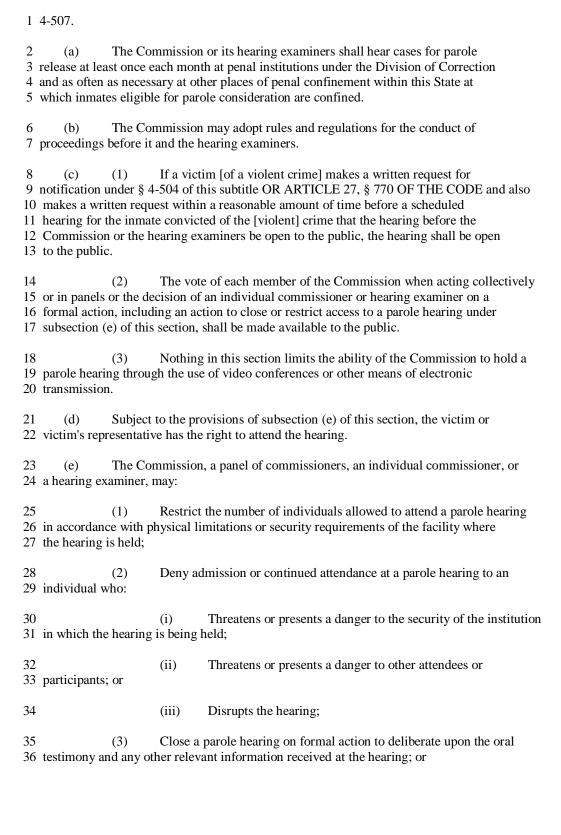
16 4-504.

- 17 (d) (1) In this subsection, "victim" means a person who suffers personal
- 18 physical injury, CHILD ABUSE, or death as a direct result of a crime or, if the victim is
- 19 deceased OR DISABLED, a designated family member OR DESIGNATED
- 20 REPRESENTATIVE of the victim.
- 21 (2) (i) In cases where a defendant is sentenced to the Division of
- 22 Correction, if the victim filed a notification request form under Article 27, § 770 of the
- 23 Code or if the victim makes a written request to the Department for notification and
- 24 maintains a current address on file with the Department, the Department, at least 90
- 25 days before the parole release hearing, shall notify the victim or designated
- 26 representative in writing, directed to the most current address on file, that a parole
- 27 release hearing has been scheduled for the inmate convicted of the commission of the
- 28 violent crime.

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1	(11) If the inmate was convicted of a violent crime:			
	1. The victim may submit to the Department, in writing, not later than 30 days from the date of the Department's notice, a request to require the Division of Parole and Probation to complete an updated victim impact statement.			
5 6	2. The Division of Parole and Probation shall complete the updated statement at least 30 days prior to the parole release hearing.			
7 8	3. The Division of Parole and Probation shall promptly send the updated victim impact statement to the Commission.			
9 10	(iii) At least 30 days before the parole release hearing, the victim may:			
11 12	1. Make a written recommendation to the Commission on the advisability of releasing the inmate on parole; and			
	2. Request that an inmate be prohibited from having any contact with a victim as a condition of parole, mandatory supervision, work release, or other administrative release.			
	(iv) The Commission shall make the updated victim impact statement or recommendation available for the inmate's review under § 4-505 of this subtitle.			
	9 (v) If an updated victim impact statement or recommendation is 0 prepared under this subsection, the Commission shall consider the updated victim 1 impact statement or recommendation at the parole release hearing.			
	(vi) The victim may designate, in writing to the Department, the name and address of a representative who is a resident of this State to receive notice for the victim.			
25	(3) The victim may request a meeting with a Commission member.			
28 29 30	At the parole release hearing for an inmate convicted of the violent crime, OR A CRIME FOR WHICH A VICTIM HAS FILED A NOTIFICATION REQUEST FORM UNDER ARTICLE 27, § 770 OF THE CODE, the victim or a designated representative may present oral testimony in a manner established in regulations adopted by the Commission, IF THE VICTIM REQUESTS AN OPEN HEARING UNDER § 4-507(C) OF THIS SUBTITLE.			
	(5) The Department shall promptly notify the victim or the victim's designated representative of the decision of the Commission regarding parole for the inmate convicted of the violent crime.			

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- 1 (4) After formal action, hold a closed parole hearing on written request of 2 the chief law enforcement official responsible for an ongoing criminal investigation 3 related to the inmate, if the ongoing investigation could be compromised.

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