

SENATE BILL 343

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1998 Regular Session
8r1581
CF 8r1140

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

Introduced and read first time: February 5, 1998
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 25, 1998

CHAPTER _____

1 AN ACT concerning

2 **Victims' Rights - Presence of Victims**

3 FOR the purpose of authorizing a victim's representative to be present at trial, or any
4 other court proceeding under certain circumstances; altering the circumstances
5 under which a judge may sequester a victim or victim's representative;
6 prohibiting a judge from sequestering a victim or representative under certain
7 circumstances; defining certain terms; altering certain definitions; and
8 generally relating to victims' rights in criminal and juvenile proceedings.

9 BY repealing and reenacting, with amendments,
10 Article 27 - Crimes and Punishments
11 Section 773
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 1997 Supplement)

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

16 **Article 27 - Crimes and Punishments**

17 773.

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

19 (2) "DEFENDANT" MEANS:

20 (I) A PERSON WHO IS CHARGED WITH A CRIME; OR

1 (II) A CHILD WHO IS ALLEGED TO HAVE COMMITTED A
2 DELINQUENT ACT.

3 [(2)] (3) "Victim" means a person who:

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

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

8 [(3)] (4) "Representative" means a person who is:

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

10 2.] Selected by the next of kin or guardian of a [person]
11 VICTIM who is deceased or disabled [as a result of a crime of violence under § 643B of
12 this article or a crime involving, causing, or resulting in death or serious bodily
13 harm]; or

14 (ii) Designated by the court in the event of a dispute over the
15 representative.

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

18 (b) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS SECTION:

19 (1) A [victim or] representative shall be presumed to have the right to
20 be present at the trial[.];

21 [(c)] (2) The judge may sequester a [victim or] representative from any part
22 of the trial at the request of the defendant or the State only after a finding [of good
23 cause] **THAT THE DEFENDANT WOULD BE DENIED A FAIR TRIAL.**

24 (C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AFTER THE
25 VICTIM OR REPRESENTATIVE HAS INITIALLY TESTIFIED, THE COURT MAY NOT
26 SEQUESTER A VICTIM OR REPRESENTATIVE FROM THE TRIAL REGARDLESS OF
27 WHETHER THE VICTIM OR REPRESENTATIVE WILL TESTIFY AGAIN.

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

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

