

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 279 (Senator Stone)
(Task Force to Examine Maryland's Crime Victims' Rights Laws)

Judicial Proceedings

Victims' Rights - Leave to Appeal

This bill alters victims' rights provisions relating to the circumstances under which an application for a leave to appeal from an interlocutory or final order that denies or fails to consider certain victims' rights may be made to the Court of Special Appeals. Specifically the bill: (1) includes victims who file notification request forms under this subsection's definition of victims; (2) includes State's Attorneys as parties who may seek such a leave to appeal; (3) applies these provisions to juvenile delinquency proceedings; (4) eliminates the need for the crime or delinquent act to have been a crime of violence; (5) specifies the rights of victims that are maintained under these provisions; (6) with a specified exception, authorizes the trial court, the Court of Special Appeals, and the Court of Appeals to stay a proceeding under terms the court considers proper; and (7) specifies the parties to a leave to appeal.

Fiscal Summary

State Effect: None. The bill's changes could be handled with existing budgeted resources of the Judiciary and the Office of the Attorney General.

Local Effect: Minimal.

Small Business Effect: None.

Fiscal Analysis

Local Effect: The Office of the State's Attorneys' Coordinator advises that this bill has the potential to have a significant impact on the operations of State's Attorneys, especially in the larger jurisdictions. The office believes that increased workloads would arise from victim advocate groups making demands of local prosecutors to appeal unfavorable trial court decisions. Currently, the Attorney General files all such appeals, and the State's Attorneys' Coordinator advises that local prosecutors are not prepared or equipped to handle such appeals.

However, the Department of Legislative Services advises that it is difficult to gauge whether the apprehension expressed by the State's Attorneys' Coordinator is justified or realistic without any actual experience under the bill's provisions. There has been only one leave for appeal involving issues of victims' rights ever filed with the Court of Special Appeals (1994). Accordingly, it is assumed that any increase in requests for such filings made to State's Attorneys statewide would be minimal.

Information Source(s): Judiciary (Administrative Office of the Courts), Court of Special Appeals, Office of the Public Defender, Office of the State's Attorneys' Coordinator, Department of Legislative Services

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