
By: **Delegates Montague, Doory, and Dobson**
Introduced and read first time: February 12, 1999
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Presentence Investigations - Community Impact**
3 **Statements**

4 FOR the purpose of authorizing a community association to submit a written
5 community impact statement, addressing certain effects on the community or on
6 a resident of the community, as the result of a crime or delinquent act;
7 permitting a court to consider the community impact statement in determining
8 the appropriate sentence or disposition of a case; specifying the content of a
9 community impact statement; requiring that the community impact statement
10 be submitted in accordance with certain procedures; defining certain terms; and
11 generally relating to community impact statements.

12 BY adding to
13 Article 27 - Crimes and Punishments
14 Section 782
15 Annotated Code of Maryland
16 (1996 Replacement Volume and 1998 Supplement)

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

19 **Article 27 - Crimes and Punishments**

20 782.

21 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
22 INDICATED.

23 (2) "COMMUNITY ASSOCIATION" MEANS A NONPROFIT ASSOCIATION,
24 NONPROFIT CORPORATION, OR OTHER NONPROFIT ORGANIZATION THAT IS:

25 (I) COMPRISED OF RESIDENTS OF A CONTIGUOUS COMMUNITY AS
26 DEFINED BY SPECIFIC GEOGRAPHIC BOUNDARIES SPECIFIED IN THE CHARTER OR
27 BYLAWS OF THE ASSOCIATION;

1 (II) OPERATED PRIMARILY FOR THE PROMOTION OF THE WELFARE,
2 IMPROVEMENT, AND ENHANCEMENT OF THE COMMUNITY; AND

3 (III) 1. EXEMPT FROM TAXATION UNDER § 501(C)(3) OR (4) OF THE
4 INTERNAL REVENUE CODE; OR

5 2. INCLUDED IN A DIRECTORY OF COMMUNITY
6 ASSOCIATIONS PUBLISHED BY THE APPROPRIATE COUNTY OR LOCAL GOVERNMENT.

7 (3) "DEFENDANT" MEANS:

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

9 (II) A CHILD WHO IS ALLEGED TO HAVE COMMITTED A
10 DELINQUENT ACT.

11 (B) IF A CRIME OR DELINQUENT ACT IS COMMITTED WITHIN A COMMUNITY
12 ASSOCIATION, THE COMMUNITY ASSOCIATION MAY PREPARE A WRITTEN
13 COMMUNITY IMPACT STATEMENT TO BE SUBMITTED TO THE COURT AND THE
14 DEFENDANT IN ACCORDANCE WITH THE MARYLAND RULES PERTAINING TO
15 PRESENTENCE INVESTIGATIONS.

16 (C) A COMMUNITY IMPACT STATEMENT SHALL BE IN THE FORM OF AN
17 AFFIDAVIT AND SHALL:

18 (1) STATE THE NAME AND THE POSITION OF THE INDIVIDUAL WHO
19 PREPARED THE COMMUNITY IMPACT STATEMENT;

20 (2) STATE THAT THE INDIVIDUAL SIGNING THE COMMUNITY IMPACT
21 STATEMENT IS AUTHORIZED BY THE COMMUNITY ASSOCIATION TO SUBMIT THE
22 COMMUNITY IMPACT STATEMENT;

23 (3) STATE THE NAME OF THE COMMUNITY ASSOCIATION;

24 (4) STATE THAT THE COMMUNITY ASSOCIATION IS QUALIFIED TO
25 SUBMIT A COMMUNITY IMPACT STATEMENT UNDER THIS SECTION;

26 (5) IDENTIFY THE COMMUNITY IN WHICH THE OFFENSE OCCURRED;

27 (6) ITEMIZE ANY ECONOMIC LOSS SUFFERED BY THE COMMUNITY OR A
28 RESIDENT OF THE COMMUNITY AS A RESULT OF THE OFFENSE;

29 (7) IDENTIFY ANY PHYSICAL INJURY SUFFERED BY A RESIDENT OF THE
30 COMMUNITY AS A RESULT OF THE OFFENSE ALONG WITH ITS SERIOUSNESS AND
31 PERMANENCE;

32 (8) DESCRIBE ANY EFFECT ON THE COMMUNITY OR CHANGE IN THE
33 COMMUNITY AS A RESULT OF THE OFFENSE; AND

1 (9) CONTAIN ANY OTHER INFORMATION RELATED TO THE IMPACT OF
2 THE OFFENSE ON THE COMMUNITY THAT THE COMMUNITY ASSOCIATION
3 CONSIDERS RELEVANT.

4 (D) THE COURT MAY CONSIDER THE COMMUNITY IMPACT STATEMENT IN
5 DETERMINING THE APPROPRIATE SENTENCE OR DISPOSITION OF THE CASE.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
7 effect October 1, 1999.