

---

By: **Delegate Vallario (Task Force to Examine Maryland's Crime Victims' Rights Laws) and Delegates Amedori, R. Baker, W. Baker, Barkley, Barve, Benson, Boschert, Boutin, Bozman, Brinkley, Bronrott, Burns, Cadden, Clagett, Cole, Conway, DeCarlo, Dewberry, Doory, Dypski, Edwards, Elliott, Finifter, Flanagan, Franchot, Frush, Fulton, Giannetti, Glassman, Goldwater, Hammen, Harrison, Healey, Hecht, Heller, Hixson, Howard, Hubbard, Hubers, Hurson, Hutchins, A. Jones, V. Jones, Kach, K. Kelly, Klausmeier, Klima, Kopp, La Vay, Leopold, Linton, Love, Mandel, McHale, McIntosh, McKee, Menes, Moe, Mohorovic, Morhaim, O'Donnell, Owings, Paige, Parrott, Petzold, Pitkin, Proctor, Rawlings, Redmer, Riley, Rosso, Rudolph, Rzepkowski, Shank, Sher, Shriver, Snodgrass, Stern, Turner, Valderrama, Weir, and Wood**

Introduced and read first time: February 9, 2000  
Assigned to: Judiciary

---

A BILL ENTITLED

1 AN ACT concerning

2 **Victims' Rights - Conditions of Pretrial or Prehearing Release**

3 FOR the purpose of expanding the list of crimes and the circumstances under which  
4 certain persons are required to consider certain conditions of release regarding  
5 victims before release of an accused individual in criminal and juvenile cases;  
6 requiring an application for a statement of charges to include and make certain  
7 provisions relating to victims; providing certain victims with the right to attend  
8 and be heard at certain hearings relating to release of certain individuals;  
9 requiring certain counties with certain systems to notify certain victims under  
10 certain circumstances; expanding to all crimes and delinquent acts provisions  
11 relating to withholding certain information relating to victims and witnesses;  
12 prohibiting certain applicants from being required to provide certain  
13 information under certain circumstances; requiring the clerk of the District  
14 Court to create and keep certain documents relating to applications for  
15 statements of charges; and generally relating to victims' rights and conditions of  
16 pretrial and prehearing release.

17 BY repealing and reenacting, with amendments,  
18 Article 27 - Crimes and Punishments  
19 Section 616 1/2(k), 768, and 771  
20 Annotated Code of Maryland  
21 (1996 Replacement Volume and 1999 Supplement)

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

3 **Article 27 - Crimes and Punishments**

4 616 1/2.

5 (k) (1) If a defendant is charged with stalking under § 124 of this article,  
6 ASSAULT IN THE SECOND DEGREE UNDER § 12A OF THIS ARTICLE, a felony, or a  
7 delinquent act committed by a child that would be a felony if committed by an adult  
8 and is released pretrial, the court, juvenile intake officer, or District Court  
9 commissioner shall consider including as a condition of release reasonable protections  
10 for the safety of the alleged victim.

11 (2) IF A VICTIM HAS REQUESTED REASONABLE PROTECTIONS FOR  
12 SAFETY, THE COURT, JUVENILE INTAKE OFFICER, OR DISTRICT COURT  
13 COMMISSIONER SHALL CONSIDER INCLUDING AS A CONDITION OF RELEASE  
14 PROVISIONS REGARDING NO CONTACT WITH THE ALLEGED VICTIM OR THE ALLEGED  
15 VICTIM'S PREMISES.

16 768.

17 (A) As provided under § 616 1/2 of this article the court, juvenile intake officer,  
18 or District Court commissioner shall consider:

19 (1) [the] THE safety of the alleged victim as a condition of the pretrial  
20 release of a defendant charged with stalking, ASSAULT IN THE SECOND DEGREE  
21 UNDER § 12A OF THIS ARTICLE, a felony, or a delinquent act committed by a child that  
22 would be a felony if committed by an adult; AND

23 (2) A CONDITION OF NO CONTACT WITH THE ALLEGED VICTIM OR THE  
24 ALLEGED VICTIM'S PREMISES.

25 (B) AN APPLICATION FOR STATEMENT OF CHARGES IN A CRIMINAL CASE  
26 SHALL INCLUDE A PLACE FOR THE APPLICANT TO REQUEST THAT THE DEFENDANT  
27 HAVE NO CONTACT WITH THE ALLEGED VICTIM OR THE ALLEGED VICTIM'S  
28 PREMISES.

29 (C) IF PRACTICABLE, A VICTIM OR VICTIM'S REPRESENTATIVE SHALL HAVE  
30 THE RIGHT TO ATTEND AND TO BE HEARD AT A COURT HEARING TO SET OR ALTER  
31 CONDITIONS OF RELEASE FOR A DEFENDANT OR CHILD ALLEGED TO BE  
32 DELINQUENT.

33 (D) IF THE CASE IS IN A COUNTY THAT IS EQUIPPED WITH AN AUTOMATED  
34 VICTIM NOTIFICATION SYSTEM, THE VICTIM OR THE VICTIM'S REPRESENTATIVE  
35 WHO HAS REQUESTED NOTIFICATION BY AUTOMATION SHALL BE NOTIFIED BY THE  
36 AUTOMATED VICTIM NOTIFICATION SYSTEM OF ANY:

37 (1) ARREST OF THE DEFENDANT OR CHILD ALLEGED TO BE  
38 DELINQUENT;

1                   (2)     RELEASE OF THE DEFENDANT OR CHILD ALLEGED TO BE  
2 DELINQUENT; AND

3                   (3)     HEARING IN THE CASE, INCLUDING HEARINGS REGARDING RELEASE  
4 OF THE DEFENDANT OR CHILD ALLEGED TO BE DELINQUENT.

5 771.

6     (A)     On request of the State or a victim of or a witness to a [felony] CRIME or  
7 delinquent act that would be a [felony] CRIME if committed by an adult, a judge,  
8 State's Attorney, District Court commissioner, intake officer, or law enforcement  
9 officer may withhold the release of the address or telephone number of the victim or  
10 witness prior to the trial or adjudicatory hearing, unless a judge determines that good  
11 cause has been shown for the release of the information.

12     (B)     IN AN APPLICATION FOR A STATEMENT OF CHARGES OR IN A COMPLAINT  
13 TO AN INTAKE OFFICER, AN APPLICANT MAY NOT BE REQUIRED TO INCLUDE THE  
14 VICTIM'S ADDRESS OR TELEPHONE NUMBER.

15     (C)     (1)     THE CLERK OF THE DISTRICT COURT SHALL CREATE A SUPPLEMENT  
16 TO AN APPLICATION FOR STATEMENT OF CHARGES FOR THOSE APPLICANTS WHO DO  
17 NOT WANT THE VICTIM'S ADDRESS OR TELEPHONE NUMBER INCLUDED AS PART OF  
18 THE APPLICATION FOR STATEMENT OF CHARGES.

19                   (2)     THE CLERK OF THE DISTRICT COURT SHALL KEEP THE SUPPLEMENT  
20 TO AN APPLICATION FOR STATEMENT OF CHARGES REGARDING A VICTIM'S ADDRESS  
21 AND PHONE NUMBER SEALED WITH OTHER CONFIDENTIAL MATERIAL REGARDING  
22 THE CASE.

23     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2000.