
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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 7, 2000

CHAPTER _____

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.

1 BY repealing and reenacting, with amendments,
 2 Article 27 - Crimes and Punishments
 3 Section 616 1/2(k), ~~768, and 771~~ and 768
 4 Annotated Code of Maryland
 5 (1996 Replacement Volume and 1999 Supplement)

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

8 **Article 27 - Crimes and Punishments**

9 616 1/2.

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

16 (2) IF A VICTIM HAS REQUESTED REASONABLE PROTECTIONS FOR
 17 SAFETY, THE COURT, JUVENILE INTAKE OFFICER, OR DISTRICT COURT
 18 COMMISSIONER SHALL CONSIDER INCLUDING AS A CONDITION OF RELEASE
 19 PROVISIONS REGARDING NO CONTACT WITH THE ALLEGED VICTIM OR THE ALLEGED
 20 VICTIM'S PREMISES OR PLACE OF EMPLOYMENT.

21 768.

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

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

28 (2) A CONDITION OF NO CONTACT WITH THE ALLEGED VICTIM OR THE
 29 ALLEGED VICTIM'S PREMISES OR PLACE OF EMPLOYMENT.

30 ~~(B) AN APPLICATION FOR STATEMENT OF CHARGES IN A CRIMINAL CASE
 31 SHALL INCLUDE A PLACE FOR THE APPLICANT TO REQUEST THAT THE DEFENDANT
 32 HAVE NO CONTACT WITH THE ALLEGED VICTIM OR THE ALLEGED VICTIM'S
 33 PREMISES.~~

34 ~~(C) IF PRACTICABLE, A VICTIM OR VICTIM'S REPRESENTATIVE SHALL HAVE
 35 THE RIGHT TO ATTEND AND TO BE HEARD AT A COURT HEARING TO SET OR ALTER
 36 CONDITIONS OF RELEASE FOR A DEFENDANT OR CHILD ALLEGED TO BE
 37 DELINQUENT.~~

1 (D) ~~IF THE CASE IS IN A COUNTY THAT IS EQUIPPED WITH AN AUTOMATED~~
2 ~~VICTIM NOTIFICATION SYSTEM, THE VICTIM OR THE VICTIM'S REPRESENTATIVE~~
3 ~~WHO HAS REQUESTED NOTIFICATION BY AUTOMATION SHALL BE NOTIFIED BY THE~~
4 ~~AUTOMATED VICTIM NOTIFICATION SYSTEM OF ANY:~~

5 (1) ~~ARREST OF THE DEFENDANT OR CHILD ALLEGED TO BE~~
6 ~~DELINQUENT;~~

7 (2) ~~RELEASE OF THE DEFENDANT OR CHILD ALLEGED TO BE~~
8 ~~DELINQUENT; AND~~

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

11 ~~771.~~

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

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

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

25 (2) ~~THE CLERK OF THE DISTRICT COURT SHALL KEEP THE SUPPLEMENT~~
26 ~~TO AN APPLICATION FOR STATEMENT OF CHARGES REGARDING A VICTIM'S ADDRESS~~
27 ~~AND PHONE NUMBER SEALED WITH OTHER CONFIDENTIAL MATERIAL REGARDING~~
28 ~~THE CASE.~~

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