

SENATE BILL 320

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2000 Regular Session
0lr1091
CF 0lr1090

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

Introduced and read first time: February 2, 2000

Assigned to: Judicial Proceedings

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)

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

24 **Article 27 - Crimes and Punishments**

25 616 1/2.

26 (k) (1) If a defendant is charged with stalking under § 124 of this article,
27 ASSAULT IN THE SECOND DEGREE UNDER § 12A OF THIS ARTICLE, a felony, or a
28 delinquent act committed by a child that would be a felony if committed by an adult
29 and is released pretrial, the court, juvenile intake officer, or District Court

1 commissioner shall consider including as a condition of release reasonable protections
2 for the safety of the alleged victim.

3 (2) IF A VICTIM HAS REQUESTED REASONABLE PROTECTIONS FOR
4 SAFETY, THE COURT, JUVENILE INTAKE OFFICER, OR DISTRICT COURT
5 COMMISSIONER SHALL CONSIDER INCLUDING AS A CONDITION OF RELEASE
6 PROVISIONS REGARDING NO CONTACT WITH THE ALLEGED VICTIM OR THE ALLEGED
7 VICTIM'S PREMISES.

8 768.

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

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

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

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

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

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

29 (1) ARREST OF THE DEFENDANT OR CHILD ALLEGED TO BE
30 DELINQUENT;

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

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

35 771.

36 (A) On request of the State or a victim of or a witness to a [felony] CRIME or
37 delinquent act that would be a [felony] CRIME if committed by an adult, a judge,

1 State's Attorney, District Court commissioner, intake officer, or law enforcement
2 officer may withhold the release of the address or telephone number of the victim or
3 witness prior to the trial or adjudicatory hearing, unless a judge determines that good
4 cause has been shown for the release of the information.

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

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

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

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