
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

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 14, 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 authorizing a court, juvenile intake officer, or District~~
16 ~~Court commissioner to include certain reasonable protections for the safety of~~
17 ~~certain persons and provisions regarding no contact with certain persons or~~
18 ~~certain premises or places of employment if a defendant is charged with certain~~
19 ~~offenses or delinquent acts; and generally relating to victims' rights and~~
20 ~~conditions of pretrial and prehearing release.~~

21 BY repealing and reenacting, with amendments,
22 Article 27 - Crimes and Punishments
23 Section 616 1/2(k), ~~768, and 771~~ and 768
24 Annotated Code of Maryland
25 (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~~ MAY INCLUDE as a condition of release
10 reasonable protections for the safety of the alleged victim.

11 (2) IF A VICTIM HAS REQUESTED REASONABLE PROTECTIONS FOR
12 SAFETY, FOR A CHARGE CONTAINED IN PARAGRAPH (1) OF THIS SUBSECTION, THE
13 COURT, JUVENILE INTAKE OFFICER, OR DISTRICT COURT COMMISSIONER ~~SHALL~~
14 ~~CONSIDER INCLUDING~~ MAY INCLUDE AS A CONDITION OF RELEASE PROVISIONS
15 REGARDING NO CONTACT WITH THE ALLEGED VICTIM OR THE ALLEGED VICTIM'S
16 PREMISES OR PLACE OF EMPLOYMENT.

17 768.

18 (A) As provided under § 616 1/2 of this article the court, juvenile intake officer,
19 or District Court commissioner ~~shall consider~~ MAY INCLUDE AS A CONDITION OF
20 RELEASE:

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

26 (2) A CONDITION OF NO CONTACT WITH THE ALLEGED VICTIM OR THE
27 ALLEGED VICTIM'S PREMISES OR PLACE OF EMPLOYMENT, FOR A CHARGE
28 CONTAINED IN PARAGRAPH (1) OF THIS SUBSECTION.

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

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

37 (D) ~~IF THE CASE IS IN A COUNTY THAT IS EQUIPPED WITH AN AUTOMATED~~
38 ~~VICTIM NOTIFICATION SYSTEM, THE VICTIM OR THE VICTIM'S REPRESENTATIVE~~

1 WHO HAS REQUESTED NOTIFICATION BY AUTOMATION SHALL BE NOTIFIED BY THE
2 AUTOMATED VICTIM NOTIFICATION SYSTEM OF ANY:

3 (1) ARREST OF THE DEFENDANT OR CHILD ALLEGED TO BE
4 DELINQUENT;

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

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

9 771.

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

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

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

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

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