

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

Senate Bill 420 (Senator Stone)
(Task Force to Examine Maryland's Crime Victims' Rights Laws)

Judicial Proceedings

Victim's Rights - Transfer to Juvenile Court - Definitions

This bill corrects a cross reference of the term "victim" under provisions relating to transfer of criminal cases to the juvenile court. The bill also alters the definition of "victim" applicable to these provisions, and applicable to the provisions relating to pretrial procedures, by including family members and guardians of deceased or disabled victims.

Fiscal Summary

State Effect: None. This bill is technical in nature.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Article 27, Section 594A states the term "victim" has the meaning stated in Section 3-801 of the Courts Article.

Background: In 1994, a victims' rights provision was added to the State Constitution. The Legislative Policy Committee formed the Task Force to Examine Maryland's Crime Victims' Rights Laws as a Joint Statutory Committee in 1995. The charge of the task force was to take a comprehensive look at Maryland's victims' rights laws, and to recommend substantive changes to improve the State's statutory scheme.

Also in 1995, the General Assembly passed the child sexual offender registration law, also known as "Megan's Law," and increased court costs that certain defendants have to pay

when convicted of nonjailable motor vehicle offenses to create additional funding for the Maryland Victims of Crime Fund, the Criminal Injuries Compensation Fund, and the Victim and Witness Protection and Relocation Program.

Since 1995, the task force has joined in the introduction and enactment of legislation that included expanding the procedures for notifying crime victims of their rights during the criminal justice process, enacting the Victims' Rights Act of 1997, broadening victims' rights laws to apply to juvenile delinquent acts and proceedings, and expanding eligibility for awards from the Criminal Injuries Compensation Board.

In April 1999, the Attorney General noted that Chapter 619 of 1999 was flawed in that the term "victim" was erroneously cross referenced and, therefore, incorrectly defined. Specifically, Chapter 619 states that "victim" has the meaning stated in Section 3-801 of the Courts Article, while it should state that the term has the meaning stated in Article 27, Section 770(a). While the Attorney General believed that this error could be addressed in the next corrective bill, the task force also altered the applicable definition of victim under Article 27, Section 770(a).

Additional Information

Prior Introductions: None.

Cross File: HB 586 (Delegate Vallario, *et al.*) - Judiciary.

Information Source(s): Office of the Attorney General, Department of Legislative Services

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