HOUSE BILL 507

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By: **Delegate Vallario (Task Force to Examine Maryland's Crime Victims'**
    Rights Laws) and Delegates R. Baker, Barkley, Boschert, Boutin,
    Bozman, Brinkley, Bronrott, Brown, Cadden, Cane, Clagett, Cole,
    Conroy, Conway, Cryor, DeCarlo, Dembrow, Dewberry, Donoghue,
    Doory, Dypski, Edwards, Finifter, Franchot, Frush, Giannetti,
    Glassman, Goldwater, Griffith, Grosfeld, Hammen, Harrison, Healey,
    Hecht, Heller, Hixson, Howard, Hubbard, Hubers, Hurson, Hutchins,
    Kach, K. Kelly, Klausmeier, Klima, Kopp, La Vay, Linton, Love, Mandel,
    Marriott, McIntosh, Menes, Mohorovic, Morhaim, O'Donnell, Owings,
    Parrott, Patterson, Pendergrass, Petzold, Rawlings, Riley, Rosso,
    Rudolph, Shank, Shriver, Sophocleus, Stern, Stocksdale, Taylor, and
    Turner

Introduced and read first time: February 2, 2001
Assigned to: Judiciary
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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   and generally relating to victims' rights and conditions of pretrial and
7   prehearing release.

8 BY repealing and reenacting, with amendments,
9   Article - Courts and Judicial Proceedings
10   Section 3-815(j)
11   Annotated Code of Maryland
12   (1998 Replacement Volume and 2000 Supplement)
13   (As enacted by Chapter _____(S.B. 1) of the Acts of the General Assembly of
14   2001)

15 BY repealing and reenacting, with amendments,
16   Article - Criminal Procedure
17   Section 5-201(a) and 11-203
18   Annotated Code of Maryland
19   (As enacted by Chapter _____(S.B. 1) of the Acts of the General Assembly of
20   2001)

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

3   **Article - Courts and Judicial Proceedings**

4 3-815.

5   (j)   (1)   If a child is alleged to have committed a delinquent act [that would
6 be stalking under Article 27, § 124 of the Code or would be a felony if committed by an
7 adult], the court or a juvenile intake officer shall consider including, as a condition of
8 releasing the child pending an adjudicatory or disposition hearing, reasonable
9 protections for the safety of the alleged victim.

10   (2)   IF A VICTIM HAS REQUESTED REASONABLE PROTECTIONS FOR
11 SAFETY, THE COURT OR JUVENILE INTAKE OFFICER SHALL CONSIDER INCLUDING,
12 AS A CONDITION OF RELEASING THE CHILD PENDING AN ADJUDICATORY OR
13 DISPOSITION HEARING, PROVISIONS REGARDING NO CONTACT WITH THE ALLEGED
14 VICTIM OR THE ALLEGED VICTIM'S PREMISES OR PLACE OF EMPLOYMENT.

15   **Article - Criminal Procedure**

16 5-201.

17   (a)   (1)   [If a defendant is charged with stalking under Article 27, § 124 of the
18 Code or with a felony, the] THE court or a District Court commissioner shall consider
19 including, as a condition of pretrial release FOR A DEFENDANT, reasonable
20 protections for the safety of the alleged victim.

21   (2)   IF A VICTIM HAS REQUESTED REASONABLE PROTECTIONS FOR
22 SAFETY, THE COURT OR A DISTRICT COURT COMMISSIONER SHALL CONSIDER
23 INCLUDING, AS A CONDITION OF PRETRIAL RELEASE, PROVISIONS REGARDING NO
24 CONTACT WITH THE ALLEGED VICTIM OR THE ALLEGED VICTIM'S PREMISES OR
25 PLACE OF EMPLOYMENT.

26 11-203.

27   As provided under § 5-201 of this article AND § 3-815 OF THE COURTS ARTICLE,
28 the court, a juvenile intake officer, or a District Court commissioner shall consider
29 [the]:

30   (1)   THE safety of the alleged victim in setting conditions of:

31   [(1)]   (I)   the pretrial release of a defendant [charged with stalking or a
32 felony]; or

33   [(2)]   (II)   the prehearing release of a child respondent who is alleged to
34 have committed a delinquent act [that would be stalking or a felony if committed by
35 an adult]; AND

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

3   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2001.