

SENATE BILL 241

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2001 Regular Session  
11r0647  
CF 11r0648

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By: **Senator Stone (Task Force to Examine Maryland's Crime Victims' Rights Laws) and Senators Colburn, Collins, Ferguson, Hollinger, Jimeno, Kelley, Lawlah, Sfikas, and Van Hollen**

Introduced and read first time: January 24, 2001

Assigned to: Judicial Proceedings

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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)

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

23 **Article - Courts and Judicial Proceedings**

24 3-815.

25 (j) (1) If a child is alleged to have committed a delinquent act [that would  
26 be stalking under Article 27, § 124 of the Code or would be a felony if committed by an

1 adult], the court or a juvenile intake officer shall consider including, as a condition of  
2 releasing the child pending an adjudicatory or disposition hearing, reasonable  
3 protections for the safety of the alleged victim.

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

9 **Article - Criminal Procedure**

10 5-201.

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

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

20 11-203.

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

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

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

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

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

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