

**Department of Legislative Services**

Maryland General Assembly

2001 Session

**FISCAL NOTE**

Senate Bill 241      Senator Stone (TF--Victims' Rights), et al.)

(Task Force to Examine Maryland's Crime Victims' Rights Laws)

Judicial Proceedings

Judiciary

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**Victims' Rights - Conditions of Pretrial or Prehearing Release**

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This bill authorizes a court, a District Court commissioner, or a juvenile intake officer, if reasonable safety protections have been requested by the victim, to include "a condition of no contact" with the alleged victim or alleged victim's premises or place of employment as a condition of pretrial or prehearing release. The bill eliminates the need for safety of the victim to be considered only in cases involving stalking or a felony.

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**Fiscal Summary**

**State Effect:** None. The bill's requirements could be handled with the existing budgeted resources of the Judiciary.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** The list of crimes and circumstances under which a court, juvenile intake officer, or District Court Commissioner must consider, as a condition of pretrial or bail release for a juvenile or criminal defendant, reasonable protections for the safety of an alleged victim include stalking, a felony, or a delinquent act committed by a child that would be a felony if committed by an adult. Conditions of no contact, per se, are not now a part of such considerations.

**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.

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### **Additional Information**

**Prior Introductions:** Similar bills (SB 320 and HB 585) were introduced in the 2000 session. With differing amendments, SB 320 and HB 585 passed both houses, went to conference, and had no further action taken on them.

**Cross File:** HB 507 (Delegate Vallerio, *et al.*) – Judiciary.

**Information Source(s):** Judiciary (The District Court), Department of Legislative Services

**Fiscal Note History:** First Reader – February 14, 2001  
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