

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 508 (Delegate Vallario, *et al.*)
(Task Force to Examine Maryland's Crime Victims' Rights
Laws)

Judiciary

Judicial Proceedings

Victims' Rights - Incompetency and Not Criminally Responsible Procedures

This bill alters current law relating to the rights of a victim of a crime of violence under provisions applicable to proceedings on incompetency and criminal responsibility in criminal cases.

Fiscal Summary

State Effect: Minimal. Any changes under this bill relating to victims' rights under provisions for proceedings on incompetency and criminal responsibility for the Judiciary, the Department of Health and Mental Hygiene (DHMH), or the Office of Administrative Hearings could be handled with existing budgeted resources.

Local Effect: Minimal. Any changes relating to victims' rights under provisions for proceedings on incompetency and criminal responsibility for State's Attorneys could be handled with existing budgeted resources.

Small Business Effect: None.

Analysis

Bill Summary: Specifically, this bill: (1) eliminates a requirement that a victim notify DHMH and a State's Attorney every two years in writing in order to be notified of proceedings on incompetency and criminal responsibility in criminal cases; (2) requires DHMH to notify victims of any court orders to examine or commit defendants, of any

scheduled hearings, of any recommendations by DHMH or an Administrative Law Judge concerning release, or of court orders for release or discharge in such cases; (3) allows oral submissions of relevant information by victims; (4) requires consideration of such submissions in specified proceedings; (5) provides for, as specified, written victim impact statements; (6) expands, as specified, the circumstances under which a DHMH facility must provide notification to victims of certain events; (7) requires the notification of victims of court hearings provided for under specified criminal code provisions; (8) grants the right of a victim to attend hearings on incompetency and criminal responsibility in criminal cases; and (9) allows for the exclusion of a victim at proceedings where irrelevant, sensitive medical information may be disclosed.

Current Law: In order to be notified of proceedings on incompetency and criminal responsibility in criminal cases, a victim of a crime of violence must file a request for such notification every two years with DHMH and a State's Attorney. Specific authorization for oral submissions of information by victims is not now granted. The right to attend incompetency and criminal responsibility hearings is not explicitly granted.

Background: In 1994 a victims' rights provision was added to the Constitution of Maryland. 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. This bill is the result of considerations and deliberations by the task force during the 1999 interim.

Additional Information

Prior Introductions: Similar bills (SB 422 and HB 587) were introduced during the 2000 session. SB 422 received an unfavorable report from the Senate Judicial Proceedings Committee. HB 587 passed the House and had no further action taken on it.

Cross File: SB 240 (Senator Stone, *et al.*) – Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Health and Mental Hygiene (Mental Health Administration), Office of State's Attorneys' Coordinator, Department of Legislative Services

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ef/jr

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