
By: **Delegate Burns**
Rules suspended
Introduced and read first time: March 5, 2002
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Postsentencing Proceeding - Victim Notification**

3 FOR the purpose of establishing victim, victim's representative, and witness
4 notification procedures for subsequent postsentencing proceedings in certain
5 cases where the defendant committed a misdemeanor or the child respondent
6 committed a delinquent act that would be a misdemeanor if committed by an
7 adult which caused serious physical injury or death to the victim; and generally
8 relating to victim notification in postsentencing proceedings.

9 BY repealing and reenacting, with amendments,
10 Article - Criminal Procedure
11 Section 11-502
12 Annotated Code of Maryland
13 (2001 Volume)

14 BY repealing and reenacting, without amendments,
15 Article - Criminal Procedure
16 Section 11-508
17 Annotated Code of Maryland
18 (2001 Volume)

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

21 **Article - Criminal Procedure**

22 11-502.

23 This subtitle applies only to a:

24 (1) defendant who is charged with:

25 (I) a felony; or

1 (II) A MISDEMEANOR IF IN COMMITTING THE MISDEMEANOR THE
2 DEFENDANT CAUSED SERIOUS PHYSICAL INJURY OR DEATH TO THE VICTIM; OR

3 (2) [to a] child respondent who is alleged to have committed a
4 delinquent act that would be:

5 (I) a felony if committed by an adult; OR

6 (II) A MISDEMEANOR IF COMMITTED BY AN ADULT IN WHICH THE
7 CHILD RESPONDENT CAUSED SERIOUS PHYSICAL INJURY OR DEATH TO THE VICTIM.
8 11-508.

9 (a) (1) In this section the following words have the meanings indicated.

10 (2) "Commitment unit" means a unit that a court orders to retain
11 custody of a defendant or a child respondent and that receives a notification request
12 form under § 11-104(f)(1) or (g) of this title.

13 (3) "Release from confinement" means work release, home detention, or
14 other administrative or statutorily authorized release of a defendant or child
15 respondent from a confinement facility.

16 (4) "Witness" means a person who:

17 (i) knows of facts relating to a crime of violence or conspiracy or
18 solicitation to commit a crime of violence; and

19 (ii) 1. makes a declaration under oath that is received as
20 evidence for any purpose; or

21 2. has been served with a subpoena issued under the
22 authority of a court of this or any other state or of the United States.

23 (b) This section applies to a victim or victim's representative who has
24 submitted a notification request form under § 11-104 of this title.

25 (c) This section applies if a witness requests in writing that a commitment
26 unit notify the witness in writing of the release from confinement of a defendant or
27 child respondent.

28 (d) On receipt of a notification request form under § 11-104(f)(1) or (g) of this
29 title or a written request from a witness for notification, a commitment unit, if
30 practicable, shall notify the victim, victim's representative, or witness of:

31 (1) receipt of the notification request form;

32 (2) the date when the defendant or child respondent was placed in the
33 custody of the commitment unit;

1 (3) how to change the address to receive notice for the victim, victim's
2 representative, witness, or the person to receive notice for the victim; and

3 (4) how to elect not to receive future notices.

4 (e) The commitment unit shall notify a victim, victim's representative, or
5 witness, in advance if practicable, if any of the following events occur concerning the
6 defendant or child respondent:

7 (1) an escape;

8 (2) a recapture;

9 (3) a transfer to another commitment unit;

10 (4) a release from confinement and any conditions attached to the
11 release; and

12 (5) the death of the defendant or child respondent.

13 (f) A commitment unit may not disclose to a defendant or child respondent the
14 address or telephone number of a witness, victim, victim's representative, or person
15 who receives notice for the victim.

16 (g) An elected public official, public employee, or public unit has the immunity
17 described in §§ 5-302 and 5-522 of the Courts Article regarding civil liability for
18 damages arising out of an action relating to this section, unless the official, employee,
19 or unit acts with gross negligence or in bad faith.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2002.