

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 456 (Delegate Vallario, *et al.*)
(Task Force to Examine Maryland's Crime Victims' Rights Laws)

Judiciary

Victims' Rights - Correctional Programs - Victim Notification

This bill expands the classification of victims or victims' representatives who are entitled to specified notifications relating to parole, commutation, pardon, or remission of sentence by eliminating the need for the crime to have been a violent crime. The bill defines "notification request" as any form of written request by a victim or a victim's representative to the Department of Public Safety and Correctional Services requesting notification to which the victim or a victim's representative is entitled and which provides a current address.

The bill requires the Maryland Parole Commission to take specified actions if a victim or a victim's representative is not informed or allowed to be present or to be heard regarding a parole determination or a predetermined parole release agreement.

Fiscal Summary

State Effect: None. The bill's administrative changes could be accommodated with the existing budgeted resources of the Department of Public Safety and Correctional Services.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill provides that, if a victim or a victim's representative made a notification request and was not informed or allowed to be present or to be heard regarding a parole release determination or a predetermined parole release agreement, the Parole Commission is required to schedule a hearing, inform the inmate and the victim or victim's representative as to the date and time of the hearing and the right to be present and represented at the hearing. The commission must also inform the inmate that the hearing may result in a decision to revoke or modify a parole release determination or a predetermined parole release agreement.

At the hearing, the commission must consider whether a victim or victim's representative's right was violated. If the commission determines that a victim or victim's representative's right was violated, the commission may revoke or modify any order or decision made or take any other action that could otherwise have originally been made in the interest of justice.

The bill requires that notice must be considered to have been given if mailed to the most current address on file for the victim or victim's representative. The commission may not revoke an inmate's parole if the inmate is released from confinement before a hearing.

Current Law: Victims of violent crimes, or victims' representatives, are entitled to specified notifications relating to parole, commutation, pardon, or remission of sentence.

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 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.

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.

Within the Department of Public Safety and Correctional Services, the Maryland Parole Commission, the Division of Correction, and the Division of Parole and Probation utilize a common database (VIDA) wherein updated victim address information is routinely entered by any of the three agencies. Notifications determined to be undeliverable by the U.S. Postal Service are noted on VIDA.

Additional Information

Prior Introductions: None.

Cross File: SB 279 (Senators Stone and Miller) (Task Force to Examine Maryland's Crime Victims' Rights Laws) – Judicial Proceedings.

Information Source(s): Department of Public Safety and Correctional Services (Maryland Parole Commission, Patuxent Institution), Department of Legislative Services

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