

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

Senate Bill 565
Judicial Proceedings

(Senator Giannetti)

Criminal Procedure - Victim Notification

This bill extends victim, victim's representative, and witness notification procedures for criminal cases: (1) for which there is an indictment or information in circuit court; or (2) in the District Court or a circuit court in which the crime charged caused the death of the victim. The bill also applies notification procedures if a prosecuting attorney files a delinquency petition in juvenile court alleging that a child committed a delinquent act that caused the death of the victim that, if committed by an adult, could be tried in a circuit court or District Court. The bill provides that postsentencing notification procedures apply to similar criminal or delinquency cases, regardless of whether the charges involved a felony.

Fiscal Summary

State Effect: While this bill would expand the application of notification requirements, any attendant additional costs could be handled with existing budgeted resources of any affected State entity.

Local Effect: While this bill would expand the application of notification requirements, any attendant additional costs could be handled with existing budgeted resources of State's Attorneys' offices and any other affected local government entity.

Small Business Effect: None.

Analysis

Current Law: Within ten days after the filing or the unsealing of an indictment or information in circuit court, whichever is later, the prosecuting attorney must: (1) mail or

deliver to the victim or victim's representative a specified victims' rights pamphlet and the applicable notification request form; and (2) certify to the clerk of the court that the prosecuting attorney has complied with these provisions or is unable to identify the victim or victim's representative. If the prosecuting attorney files a petition alleging that a child is delinquent for committing an act that could only be tried in the circuit court if committed by an adult, the prosecuting attorney must: (1) inform the victim or victim's representative of the right to request restitution; (2) mail or deliver to the victim or victim's representative the applicable notification request form; and (3) certify to the clerk of the juvenile court that the prosecuting attorney has complied with these provisions or is unable to identify the victim or victim's representative.

The prosecuting attorney may provide a State's witness in the case with the guidelines for victims, victims' representatives, and witnesses relating to treatment and help. A victim or victim's representative may file a completed notification request form with the prosecuting attorney.

Postconviction victim notification provisions are applicable only to a defendant who is charged with a felony or to a child respondent who is alleged to have committed a delinquent act that would be a felony if committed by an adult. Specified postconviction notification procedures, including notice of "subsequent proceedings" and notice of release from confinement, may apply to the Department of Public Safety and Correctional Services (including the Patuxent Institution), the Department of Health and Mental Hygiene, the Department of Juvenile Justice, and any "commitment unit" to which a person has been ordered by a court.

Additional Comments: The Administrative Office of the Courts advises that this bill may tend to increase the number of postponements due to commitment unit failures to properly provide victim notification.

Additional Information

Prior Introductions: In 2002, a similar bill (HB 1433) was introduced, referred to the House Rules and Executive Nominations Committee, and had no further action taken on it.

Cross File: HB 336 (Delegate Burns, *et al.*) – Judiciary.

Information Source(s): Judiciary (Administrative Office of the Courts), Office of the Public Defender, Office of the State's Attorney's Coordinator, Department of Legislative Services

Fiscal Note History: First Reader - February 18, 2003
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