
By: **Delegates Quinter, Vallario, Smigiel, Morhaim, and Simmons**

Introduced and read first time: February 10, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Victim's Rights - Leave to Appeal - Delinquent Acts**

3 FOR the purpose of adding to the list of statutes that secure rights to certain victims,
4 in accordance with which a certain victim may file an application for leave to
5 appeal to a certain court from a certain order that denies or fails to consider
6 such a right; altering a certain definition so as to authorize a victim of a certain
7 delinquent act to file a certain application for leave to appeal under certain
8 circumstances; making conforming changes; and generally relating to the
9 authority of a victim of a violent crime to file an application for leave to appeal
10 in criminal and juvenile proceedings.

11 BY repealing and reenacting, with amendments,

12 Article - Criminal Procedure

13 Section 11-103

14 Annotated Code of Maryland

15 (2001 Volume and 2005 Supplement)

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

18 **Article - Criminal Procedure**

19 11-103.

20 (a) (1) In this section, "violent crime" means:

21 (i) a crime of violence; [or]

22 (ii) A DELINQUENT ACT THAT WOULD BE A CRIME OF VIOLENCE IF
23 COMMITTED BY AN ADULT; OR

24 (iii) except as provided in paragraph (2) of this subsection, a crime
25 OR DELINQUENT ACT involving, causing, or resulting in death or serious bodily injury.

1 (2) "Violent crime" does not include an offense under the Maryland
2 Vehicle Law or under Title 8, Subtitle 7 of the Natural Resources Article unless the
3 offense is punishable by imprisonment.

4 (b) Although not a party to a criminal OR JUVENILE proceeding, a victim of a
5 violent crime for which the defendant OR CHILD RESPONDENT is charged may file an
6 application for leave to appeal to the Court of Special Appeals from an interlocutory or
7 final order that denies or fails to consider a right secured to the victim by § 4-202, §
8 11-102, [§ 11-302(c)] § 11-302, § 11-402, § 11-403, or § 11-404 of this title, § 3-8A-06,
9 § 3-8A-13, OR § 3-8A-19 OF THE COURTS ARTICLE, or § 6-112 of the Correctional
10 Services Article.

11 (c) The filing of an application for leave to appeal under this section does not
12 stay other proceedings in a criminal OR JUVENILE case unless all parties consent.

13 (d) (1) For purposes of this section, a victim's representative, including the
14 victim's spouse or surviving spouse, parent or legal guardian, child, or sibling, may
15 represent a victim of a violent crime who dies or is disabled.

16 (2) If there is a dispute over who shall be the victim's representative, the
17 court shall designate the victim's representative.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 June 1, 2006.