

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 1245

(Delegates Valentino-Smith and Vallario)

Judiciary

Judicial Proceedings

Crime Victim and Crime Victim's Representative - Electronic Notification

This bill authorizes a crime victim or a crime victim's representative to follow Maryland Electronic Courts (MDEC) system protocol to request specified notices in an electronic form and authorizes the prosecuting attorney and the clerk of the circuit court or juvenile court to provide notices in an electronic form to the victim or victim's representative.

The bill takes effect July 1, 2014.

Fiscal Summary

State Effect: Minimal. The bill is procedural in nature and is not expected to have a significant impact on the courts or the MDEC system, as discussed below.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The "MDEC system" is the system of electronic filing and case management established by the Maryland Court of Appeals.

Currently, a "prosecuting attorney" means the State's Attorney, the State's Attorney's designee, or, when performing a prosecutorial function at the trial level, the Attorney General or the Attorney General's designee. The bill expands this definition to include the State Prosecutor or the State Prosecutor's designee.

If a jurisdiction has implemented the MDEC system and the victim or victim's representative has filed a completed notification request form, the prosecuting attorney must electronically file the form with the clerk of the circuit court or the juvenile court in the MDEC system. In addition, if the case is in a jurisdiction that has implemented the MDEC system, the victim may follow the MDEC system protocol to receive notice by electronic mail, to notify the prosecuting attorney, and to request additional notice available through the State's Victim Information and Notification Everyday (VINE) vendor.

To keep the address and electronic mail address of a victim or victim's representative confidential, the victim or victim's representative must (1) designate in the notification request form a person who has agreed to receive notice for the victim or victim's representative or (2) request as part of the MDEC system protocol, without filing a motion to seal, that the address and electronic mail address remain confidential and available, as necessary to only the court, the prosecuting attorney, the Department of Public Safety and Correctional Services, the Department of Juvenile Services, the attorney of the victim or victim's representative, the VINE vendor, and a commitment unit ordered by a court to retain custody of the individual.

If a victim or victim's representative has filed a notification request form, or followed the MDEC system protocol, the clerk of the circuit or juvenile court must electronically transmit the form or the registration information for the victim or the victim's representative through the MDEC system. If an appeal is filed, the clerk of the circuit or juvenile court may elect to electronically transmit the form or the registration information for the victim or the victim's representative through the MDEC system. After following the MDEC system protocol for electronic notices, a victim or the victim's representative may discontinue further notices by following the MDEC system protocol to terminate notice.

The State Board of Victim Services is required to develop pamphlets to notify victims and victim's representatives of certain rights, services, and procedures, one of which must include information regarding the MDEC system protocol registration process. The board must also develop MDEC system protocol in consultation with the Administrative Office of the Courts.

Current Law: A "victim" is a person who suffers personal injury or property damage or loss directly resulting from a crime or delinquent act, or the person's representative in the event of the person's death.

A victim of a crime or delinquent act (or a representative in the event the victim is deceased, disabled, or a minor) has a broad range of specific rights during the criminal justice process. Law enforcement officers, District Court commissioners, and juvenile

intake officers are responsible for giving an identified victim a pamphlet that advises the victim of the rights, services, and procedures available in the time before and after the filing of a charging document. Within 10 days after the filing or unsealing of an indictment or information, the State's Attorney must provide a victim with a pamphlet that describes the rights, services, and procedures available to a victim after the indictment or information is filed and a notification request form by which a victim may request notice of various proceedings. The pamphlets are prepared by the State Board of Victim Services.

Many of the rights afforded a victim of crime depend on a victim completing a notification request form or otherwise requesting notifications and rights. Once a victim has filed the notification request form, the State's Attorney is required to notify the victim of (1) all court sentencing proceedings; (2) the terms of any plea agreement; and (3) the victim's right to file a victim impact statement.

State Expenditures: According to the Administrative Office of the Courts, this bill requires the Judiciary to develop a protocol for a victim or a victim's representative to receive electronic notice through the MDEC system. The Judiciary's MDEC system's functionality already meets the requirements of the bill, but court clerks will need to receive training on the new processes required under the bill. The bill, however, should not have a significant fiscal or operational impact on the trial courts.

Additional Information

Prior Introductions: None.

Cross File: Although SB 922 (Senator Stone – Judicial Proceedings) is designated as a cross file, it is different.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Juvenile Services, State's Attorneys' Association, Department of Legislative Services

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