

HOUSE BILL 174

E2
SB 300/22 – JPR

3lr1399
CF SB 391

By: **Delegates Simpson, Bagnall, Bartlett, Crutchfield, Foley, Hill, Kerr, and Williams**

Introduced and read first time: January 18, 2023

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: February 22, 2023

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Victims of Sexually Assaultive Behavior**

3 FOR the purpose of requiring a certain assistant State’s Attorney to meet with a victim of
4 sexually assaultive behavior if the Office of the State’s Attorney has elected to
5 dismiss charges or not to file charges against an alleged suspect; and generally
6 relating to victims’ rights.

7 BY adding to

8 Article – Criminal Procedure

9 Section 11–1009

10 Annotated Code of Maryland

11 (2018 Replacement Volume and 2022 Supplement)

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

14 **Article – Criminal Procedure**

15 **11–1009.**

16 **(A) IN THIS SECTION, “SEXUALLY ASSAULTIVE BEHAVIOR” HAS THE**
17 **MEANING STATED IN § 10–923 OF THE COURTS ARTICLE.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **(B) FOR AN INVESTIGATION OR A CASE INVOLVING A VICTIM OF SEXUALLY**
2 **ASSAULTIVE BEHAVIOR, AN ASSISTANT STATE’S ATTORNEY WITH KNOWLEDGE OF**
3 **THE CASE SHALL MEET WITH THE VICTIM OR A REPRESENTATIVE DESIGNATED BY**
4 **THE VICTIM WITHIN 20 DAYS AFTER RECEIVING A REQUEST FROM THE VICTIM TO**
5 **MEET REGARDING A DECISION BY THE OFFICE OF THE STATE’S ATTORNEY:**

6 **(1) NOT TO FILE A CHARGING DOCUMENT AGAINST AN ALLEGED**
7 **SUSPECT; OR**

8 **(2) TO DISMISS CHARGES AGAINST AN ALLEGED SUSPECT.**

9 **(C) AT THE MEETING REQUIRED UNDER THIS SECTION, THE ASSISTANT**
10 **STATE’S ATTORNEY SHALL EXPLAIN THE JUSTIFICATION FOR NOT FILING A**
11 **CHARGING DOCUMENT OR FOR DISMISSING THE CHARGES.**

12 **(D) THE MEETING REQUIRED UNDER THIS SECTION MAY BE CONDUCTED IN**
13 **PERSON, BY PHONE, OR BY OTHER MEANS MUTUALLY AGREED ON.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.