

Chapter 772

(Senate Bill 391)

AN ACT concerning

Criminal Procedure – Victims of Sexually Assaultive Behavior

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

BY adding to

Article – Criminal Procedure
Section 11–1009
Annotated Code of Maryland
(2018 Replacement Volume and 2022 Supplement)

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

Article – Criminal Procedure**11–1009.**

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

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

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

(2) TO DISMISS CHARGES AGAINST AN ALLEGED SUSPECT.

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

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

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

Approved by the Governor, May 16, 2023.