

HOUSE BILL 14

E2

5lr0972

(PRE-FILED)

By: **Delegate Conaway**

Requested: September 26, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Theft – Notification of Victims and Victims’**
3 **Representatives**

4 FOR the purpose of requiring a prosecuting attorney of certain thefts to notify the victim
5 or the victim’s representative about certain information related to court proceedings;
6 and generally relating to notification to victims and victims’ representatives.

7 BY repealing and reenacting, without amendments,

8 Article – Criminal Law

9 Section 7–104(g)(2) and (3)

10 Annotated Code of Maryland

11 (2021 Replacement Volume and 2024 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – Criminal Procedure

14 Section 11–104

15 Annotated Code of Maryland

16 (2018 Replacement Volume and 2024 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Criminal Law**

20 7–104.

21 (g) (2) Except as provided in paragraph (3) of this subsection, a person
22 convicted of theft of property or services with a value of at least \$100 but less than \$1,500,
23 is guilty of a misdemeanor and:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) is subject to:

2 1. for a first conviction, imprisonment not exceeding 6
3 months or a fine not exceeding \$500 or both; and

4 2. for a second or subsequent conviction, imprisonment not
5 exceeding 1 year or a fine not exceeding \$500 or both; and

6 (ii) shall restore the property taken to the owner or pay the owner
7 the value of the property or services.

8 (3) A person convicted of theft of property or services with a value of less
9 than \$100 is guilty of a misdemeanor and:

10 (i) is subject to imprisonment not exceeding 90 days or a fine not
11 exceeding \$500 or both; and

12 (ii) shall restore the property taken to the owner or pay the owner
13 the value of the property or services.

14 Article – Criminal Procedure

15 11–104.

16 (a) (1) In this section the following words have the meanings indicated.

17 (2) “DNA” has the meaning stated in § 2–501 of the Public Safety Article.

18 (3) “Statewide DNA database system” has the meaning stated in § 2–501
19 of the Public Safety Article.

20 (4) “Victim” means a person who suffers actual or threatened physical,
21 emotional, or financial harm as a direct result of a crime or delinquent act.

22 (5) “Victim’s representative” includes a family member or guardian of a
23 victim who is:

24 (i) a minor;

25 (ii) deceased; or

26 (iii) disabled.

27 (b) On first contact with a victim or victim’s representative, a law enforcement
28 officer, District Court commissioner, or juvenile intake officer shall give the victim or the
29 victim’s representative the pamphlet described in § 11–914(9)(i) of this title.

1 (c) Unless to do so would impede or compromise an ongoing investigation or the
2 victim's representative is a suspect or a person of interest in the criminal investigation of
3 the crime involving the victim, on written request of a victim of a crime of violence as
4 defined in § 14–101 of the Criminal Law Article or the victim's representative, the
5 investigating law enforcement agency shall give the victim or the victim's representative
6 timely notice as to:

7 (1) whether an evidentiary DNA profile was obtained from evidence in the
8 case;

9 (2) when any evidentiary DNA profile developed in the case was entered
10 into the DNA database system; and

11 (3) when any confirmed match of the DNA profile, official DNA case report,
12 or DNA hit report is received.

13 (d) (1) Within 10 days after the filing or the unsealing of an indictment or
14 information in circuit court, whichever is later, the prosecuting attorney shall:

15 (i) mail or deliver to the victim or victim's representative the
16 pamphlet described in § 11–914(9)(ii) of this title and the notification request form
17 described in § 11–914(10) of this title; and

18 (ii) certify to the clerk of the court that the prosecuting attorney has
19 complied with this paragraph or is unable to identify the victim or victim's representative.

20 (2) If the prosecuting attorney files a petition alleging that a child is
21 delinquent for committing an act that could only be tried in the circuit court if committed
22 by an adult, the prosecuting attorney shall:

23 (i) inform the victim or victim's representative of the right to
24 request restitution under § 11–606 of this title;

25 (ii) mail or deliver to the victim or victim's representative the
26 notification request form described in § 11–914(10) of this title; and

27 (iii) certify to the clerk of the juvenile court that the prosecuting
28 attorney has complied with this paragraph or is unable to identify the victim or victim's
29 representative.

30 (3) For cases described under this subsection, the prosecuting attorney
31 may provide a State's witness in the case with the guidelines for victims, victims'
32 representatives, and witnesses available under §§ 11–1001 through 11–1004 of this title.

33 (e) (1) A victim or victim's representative may:

1 (i) file a completed notification request form with the prosecuting
2 attorney; or

3 (ii) follow the MDEC system protocol to request notice.

4 (2) (i) If the jurisdiction has not implemented the MDEC system, the
5 prosecuting attorney shall send a copy of the completed notification request form to the
6 clerk of the circuit court or juvenile court.

7 (ii) If the jurisdiction has implemented the MDEC system and the
8 victim or victim's representative has filed a completed notification request form, the
9 prosecuting attorney shall electronically file the form with the clerk of the circuit court or
10 juvenile court in the MDEC system.

11 (3) By filing a completed notification request form or completing the MDEC
12 system protocol, a victim or victim's representative complies with Article 47 of the
13 Maryland Declaration of Rights and each provision of the Code that requires a victim or
14 victim's representative to request notice.

15 (4) To keep the address and electronic mail address of a victim or victim's
16 representative confidential, the victim or victim's representative shall:

17 (i) designate in the notification request form a person who has
18 agreed to receive notice for the victim or victim's representative; or

19 (ii) request as part of the MDEC system protocol, without filing a
20 motion to seal, that the address and electronic mail address remain confidential and
21 available, as necessary to only:

22 1. the court;

23 2. the prosecuting attorney;

24 3. the Department of Public Safety and Correctional
25 Services;

26 4. the Department of Juvenile Services;

27 5. the attorney of the victim or victim's representative;

28 6. the State's Victim Information and Notification Everyday
29 vendor; and

30 7. a commitment unit that a court orders to retain custody of
31 an individual.

1 (f) (1) Unless provided by the MDEC system, the prosecuting attorney shall
2 send a victim or victim's representative prior notice of each court proceeding in the case, of
3 the terms of any plea agreement, and of the right of the victim or victim's representative to
4 submit a victim impact statement to the court under § 11-402 of this title if:

5 (i) prior notice is practicable; and

6 (ii) the victim or victim's representative has filed a notification
7 request form or followed the MDEC system protocol under subsection (e) of this section.

8 (2) (i) If the case is in a jurisdiction in which the office of the clerk of
9 the circuit court or juvenile court has an automated filing system, the prosecuting attorney
10 may ask the clerk to send the notice required by paragraph (1) of this subsection.

11 (ii) If the case is in a jurisdiction that has implemented the MDEC
12 system, the victim may follow the MDEC system protocol to receive notice by electronic
13 mail, to notify the prosecuting attorney, and to request additional notice available through
14 the State's Victim Information and Notification Everyday vendor.

15 (3) As soon after a proceeding as practicable, the prosecuting attorney shall
16 tell the victim or victim's representative of the terms of any plea agreement, judicial action,
17 and proceeding that affects the interests of the victim or victim's representative, including
18 a bail hearing, change in the defendant's pretrial release order, dismissal, nolle prosequi,
19 setting of charges, trial, disposition, and postsentencing court proceeding if:

20 (i) the victim or victim's representative has filed a notification
21 request form or followed the MDEC system protocol under subsection (e) of this section and
22 prior notice to the victim or victim's representative is not practicable; or

23 (ii) the victim or victim's representative is not present at the
24 proceeding.

25 (4) Whether or not the victim or victim's representative has filed a
26 notification request form or followed the MDEC system protocol under subsection (e) of this
27 section, the prosecuting attorney may give the victim or victim's representative information
28 about the status of the case if the victim or victim's representative asks for the information.

29 **(5) WHETHER OR NOT THE VICTIM OR VICTIM'S REPRESENTATIVE**
30 **HAS FILED A NOTIFICATION REQUEST FORM OR FOLLOWED THE MDEC SYSTEM**
31 **PROTOCOL UNDER SUBSECTION (E) OF THIS SECTION, IF THE INDIVIDUAL IS A**
32 **VICTIM OF A CRIME UNDER § 7-104(G)(2) OR (3) OF THE CRIMINAL LAW ARTICLE,**
33 **THE PROSECUTING ATTORNEY SHALL NOTIFY THE VICTIM OR THE VICTIM'S**
34 **REPRESENTATIVE OF:**

35 **(I) EACH COURT PROCEEDING RELATED TO THE CASE;**

1 (II) THE RIGHT OF THE VICTIM TO SUBMIT A VICTIM IMPACT
2 STATEMENT;

3 (III) ANY POSTTRIAL COURT PROCEEDINGS RELATED TO THE
4 CASE;

5 (IV) ANY APPEAL RELATED TO THE CASE; AND

6 (V) ANY SENTENCE REVIEW RELATED TO THE CASE.

7 (g) If a victim or victim's representative has filed a notification request form or
8 followed the MDEC system protocol under subsection (e) of this section, the clerk of the
9 circuit court or juvenile court:

10 (1) shall include a copy of the form with any commitment order or
11 probation order that is passed or electronically transmit the form or the registration
12 information for the victim or the victim's representative through the MDEC system; and

13 (2) if an appeal is filed, shall send a copy of the form or electronically
14 transmit the form or the registration information for the victim or the victim's
15 representative through the MDEC system to the Attorney General and the court to which
16 the case has been appealed.

17 (h) This section does not prohibit a victim or victim's representative from filing a
18 notification request form with a unit to which a defendant or child respondent has been
19 committed.

20 (i) (1) After filing a notification request form under subsection (e) of this
21 subsection **OR RECEIVING NOTIFICATION UNDER SUBSECTION (F)(5) OF THIS**
22 **SECTION**, a victim or victim's representative may discontinue further notices by filing a
23 written request with:

24 (i) the prosecuting attorney, if the case is still in a circuit court or
25 juvenile court; or

26 (ii) the unit to which the defendant or child respondent has been
27 committed, if a commitment order has been issued in the case.

28 (2) After following the MDEC system protocol for electronic notices, a
29 victim or victim's representative may discontinue further notices by following the MDEC
30 system protocol to terminate notice.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2025.