



Maryland Crime Victims' Resource Center, Inc.

Continuing the Missions of the Stephanie Roper Committee and Foundation, Inc.

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LETTER IN OPPOSITION OF SENATE BILL 67 (HB 180)--

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The Maryland Crime Victims' Resource Center (MCVRC) must urge an unfavorable vote on SB 67. As drafted the bill is in violation of Maryland law.

The legislation must be amended to comply with the Maryland Constitution, statutes and the Maryland Supreme Court's decision in *Syed v. Lee*, 488 Md. 537, 322 A.3d 578 (2024).

SB 67 as currently written violates the Victims' Rights under Article 47 of the Maryland Declaration of Rights and Title 11 of the Criminal Procedure Article ("CP"). The Supreme Court decision in *Syed* ruled that when a court is considering altering the sentence of a defendant that the victim and their attorney have a right to participate in the proceeding. The victim and their attorney have not only the right to give a victim impact statement but have the right to "address the merits of the legal issues before the court." The Court ruled that the "victim should not be forced to stand silent concerning what the victim believes to be the flaws in the prosecutor's evidentiary submission or the legal correctness of a vacatur motion. Such a scenario would not treat the victim with the dignity, respect, and sensitivity that Article 47 requires."

Criminal Procedure § 11-403(a -b) requires that the court, "if practicable, shall allow the victim or the victim's representative to address the court under oath before the imposition of sentence or other disposition[.]" This right applies at hearings "at which the imposition of a sentence ... or alteration of a sentence ... is considered." The Supreme Court in *Syed*, the Maryland Rules, and CP § 11-403 supply the legal authority, guaranteed by Article 47(a)&(b) of the Maryland Declaration of Rights, that crime victims must be heard at any criminal justice proceeding when the alteration of a sentence is being considered, and in the case of a court's ruling a charge must be dismissed is certainly a "sentence or other disposition."

Maryland Crime Victims Resource Center would welcome the opportunity to review the Bill further for support IF Senate Bill 67 required either:

- A hearing for every Motion to Dismiss under this code section AND specifying the right to be heard for victims; or
- Modifying the Bill's (B)(2) to read: (2) AT ANY TIME, THE STATE, OR VICTIM, OR VICTIM'S REPRESENTATIVE MAY PETITION THE COURT FOR EXTRAORDINARY CAUSE TO EXTEND THE TIME BEFORE DISMISSAL."
- Either of these would require consistent modification in paragraph (a).

Currently as written SB 67/HB 180 violates Maryland law--- it provides mere “notice” to a crime victim or victim representative but provides no ability to be heard and only allows the State to petition the Court.

MCVRC provides legal services for crime victims throughout Maryland and is the largest nonprofit of its kind in the country. We write on behalf of Maryland Victims and their representatives. We ask you to oppose SB 67/HB 180 as it is in violation of Maryland Law, and to oppose any legislation that ignores the right of crime victims to meaningfully participate in any hearing that affects the sentence imposed on a defendant who hurt them or their family.

Sincerely,



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