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DATE: February 13, 2026

BILL NUMBER: HB 749

POSITION: Unfavorable

The Maryland State's Attorneys' Association (MSAA) opposes House Bill 749 and urges this Committee to issue an unfavorable report.

Prosecutors play a crucial role in helping crime victims navigate a complex and often overwhelming criminal justice system. By ensuring that victims are aware of the progress of a case and of their right to participate at various stages, prosecutors help victims feel more at ease and ensure the system is more responsive to their concerns. MD. CODE ANN., CRIM. PROC. § 11- 104 requires prosecutors to notify victims of their rights and, upon request, keep them updated with information related to the case.

HB 749 creates a special set of rules that apply only to victims of misdemeanor theft, requiring prosecutors to provide this information to victims of these offenses without the necessity of a request. This bill is a solution in search of a problem. In virtually every misdemeanor theft case, prosecutors already provide this information to victims, as their presence is necessary for the State to prove the case beyond a reasonable doubt.

MSAA's opposition to this bill is not based on a hostility towards keeping victims informed. Prosecutors across Maryland go to great lengths to involve victims in important case decisions every day in an effort to better seek justice. MSAA's concern is rooted in the administrative burden associated with ensuring compliance with these new provisions, diverting time and resources away from other important prosecutorial duties. Prosecutors' offices already have systems in place to ensure victims, upon their request, are kept informed of important case information – establishing a new, mandatory notification system that applies exclusively to misdemeanor theft prosecutions is expensive and unnecessary.

Our current system provides victims, including victims of misdemeanor theft offenses, with the tools they need both to express themselves to prosecutors and to courts as well as to determine the extent to which they want to be kept informed of the progress of the case. HB 749 imposes unnecessary requirements at a potentially significant cost; the existing law strikes the appropriate balance, and MSAA urges this Committee to reject the changes this bill sets out to make.