

SENATE BILL 821

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CF HB 784

By: **Senators Forehand, Colburn, Klausmeier, Lenett, and Stone**

Introduced and read first time: February 10, 2010

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Injuries Compensation Notification – Law Enforcement Agencies**

3 FOR the purpose of requiring a law enforcement unit, whenever a report of a crime or
4 delinquent act is reported to that unit, to give to a victim of the offense certain
5 written information about compensation or certain pamphlets that notify
6 victims of rights, services, and procedures; expanding the definition of “law
7 enforcement unit”; and generally relating to providing notification to victims of
8 crimes or delinquent acts.

9 BY repealing and reenacting, without amendments,
10 Article – Criminal Procedure
11 Section 11–104(b) and (c) and 11–914(9) and (10)
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2009 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Criminal Procedure
16 Section 11–807
17 Annotated Code of Maryland
18 (2008 Replacement Volume and 2009 Supplement)

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

21 **Article – Criminal Procedure**

22 11–104.

23 (b) On first contact with a victim or victim’s representative, a law
24 enforcement officer, District Court commissioner, or juvenile intake officer shall give

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the victim or the victim's representative the pamphlet described in § 11-914(9)(i) of
2 this title.

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

5 (i) mail or deliver to the victim or victim's representative the
6 pamphlet described in § 11-914(9)(ii) of this title and the notification request form
7 described in § 11-914(10) of this title; and

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

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

14 (i) inform the victim or victim's representative of the right to
15 request restitution under § 11-606 of this title;

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

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

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

25 11-807.

26 (a) In this section, "law enforcement unit" means **ANY OF THE FOLLOWING**:

27 (1) the Department of State Police;

28 (2) the Police Department of Baltimore City;

29 (3) the police department, bureau, or force of a county;

30 (4) the police department, bureau, or force of a municipal corporation;

31 (5) the office of the sheriff of a county;

- 1 (6) the office of the State's Attorney for a county;
- 2 (7) the office of the Attorney General; [or]
- 3 (8) the office of the State Prosecutor;
- 4 **(9) THE MARYLAND TRANSIT ADMINISTRATION POLICE FORCE;**
- 5 **(10) THE MARYLAND TRANSPORTATION AUTHORITY POLICE;**
- 6 **(11) THE POLICE FORCES OF THE UNIVERSITY SYSTEM OF**
7 **MARYLAND;**
- 8 **(12) THE POLICE FORCE OF MORGAN STATE UNIVERSITY;**
- 9 **(13) THE POLICE FORCES OF THE DEPARTMENT OF NATURAL**
10 **RESOURCES;**
- 11 **(14) THE POLICE FORCE OF THE DEPARTMENT OF GENERAL**
12 **SERVICES;**
- 13 **(15) THE POLICE FORCE OF A STATE, COUNTY, OR MUNICIPAL**
14 **CORPORATION IF THE SPECIAL POLICE OFFICERS ARE APPOINTED UNDER**
15 **TITLE 3, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE;**
- 16 **(16) THE HOUSING AUTHORITY OF BALTIMORE CITY POLICE**
17 **FORCE;**
- 18 **(17) THE BALTIMORE CITY SCHOOL POLICE FORCE;**
- 19 **(18) THE CROFTON POLICE DEPARTMENT;**
- 20 **(19) THE POLICE FORCE OF THE DEPARTMENT OF LABOR,**
21 **LICENSING, AND REGULATION;**
- 22 **(20) THE WASHINGTON SUBURBAN SANITARY COMMISSION**
23 **POLICE FORCE;**
- 24 **(21) THE POLICE FORCE OF THE MARYLAND-NATIONAL CAPITAL**
25 **PARK AND PLANNING COMMISSION;**
- 26 **(22) THE OCEAN PINES POLICE DEPARTMENT;**

1 **(23) THE POLICE FORCE OF THE BALTIMORE CITY COMMUNITY**
2 **COLLEGE; OR**

3 **(24) THE POLICE FORCE OF THE HAGERSTOWN COMMUNITY**
4 **COLLEGE.**

5 (b) When a report of a [violent] crime **OR DELINQUENT ACT** is [filed with]
6 **REPORTED TO** a law enforcement unit, the law enforcement unit shall give to a victim
7 of that [violent crime] **OFFENSE** written information that the Board supplies about
8 compensation for victims **OR THE PAMPHLETS UNDER § 11-914(9) OF THIS TITLE**
9 **THAT NOTIFY VICTIMS OF RIGHTS, SERVICES, AND PROCEDURES.**

10 (c) A failure to comply with this section is not grounds for any civil or
11 criminal action against a law enforcement unit.

12 11-914.

13 Subject to the authority of the Executive Director, the Board shall:

14 (9) develop pamphlets to notify victims of the rights, services, and
15 procedures provided under Article 47 of the Maryland Declaration of Rights or State
16 law, including:

17 (i) one pamphlet relating to the time before and after the filing
18 of a charging document other than an indictment or information in circuit court; and

19 (ii) a second pamphlet relating to the time after the filing of an
20 indictment or information in circuit court; and

21 (10) develop a notification request form in consultation with the
22 Administrative Office of the Courts, through which a victim may request to be notified
23 under § 11-104 of this title.

24 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
25 **October 1, 2010.**