

NATIONAL CRIME VICTIM LAW INSTITUTE

at Lewis & Clark Law School

PROTECTING, ENFORCING, and ADVANCING VICTIMS' RIGHTS

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MARYLAND VICTIMS' RIGHTS LAWS¹

Constitution

Declaration of Rights, Article 47 – Crime Victims' Rights

- (a) A victim of crime shall be treated by agents of the State with dignity, respect, and sensitivity during all phases of the criminal justice process.
- (b) In a case originating by indictment or information filed in a circuit court, a victim of crime shall have the right to be informed of the rights established in this Article and, upon request and if practicable, to be notified of, to attend, and to be heard at a criminal justice proceeding, as these rights are implemented and the terms "crime", "criminal justice proceeding", and "victim" are specified by law.
- (c) Nothing in this Article permits any civil cause of action for monetary damages for violation of any of its provisions or authorizes a victim of crime to take any action to stay a criminal justice proceeding.

Statutes

Maryland Code of Criminal Procedure

Title 6 – Trial and Sentencing

§ 6-106 – Rights of victim or victim's representative

- (a) Before a hearing under § 6-105 of this subtitle, the victim or victim's representative shall be notified as provided under § 11-104 or § 11-503 of this article.
- (b) A victim or victim's representative has the right to attend a hearing under § 6-105 of this subtitle as provided under § 11-102 of this article.

Title 7 – Uniform Postconviction Procedures Act

§ 7-105 – Victim's and representative's rights of notice and attendance

- (a) Before a hearing is held on a petition filed under this title, the victim or victim's representative shall be notified of the hearing as provided under § 11-104 or § 11-503 of this article.

¹ Not intended to be exhaustive.

- (b) A victim or victim's representative is entitled to attend any hearing under this title as provided under § 11-102 of this article.

Title 11 – Victims and Witnesses

Subtitle 1, General Provisions

§ 11-101 -- Definitions

- (a) In this title the following words have the meanings indicated.
- (b) "Child respondent" means a person who:
 - (1) in a petition filed in juvenile court, is alleged to have committed a delinquent act; or
 - (2) has committed a delinquent act.
- (c) "Delinquent act" has the meaning stated in § 3-8A-01 of the Courts Article.
- (d) "Prosecuting attorney" means:
 - (1) the State's Attorney;
 - (2) the State's Attorney's designee; or
 - (3) when performing a prosecutorial function at the trial level, the Attorney General or the Attorney General's designee.

§ 11-102 – Victim’s right to attend proceedings

- (a) If practicable, a victim or victim's representative who has filed a notification request form under § 11-104 of this subtitle has the right to attend any proceeding in which the right to appear has been granted to a defendant.
- (b) As provided in § 9-205 of the Courts Article, a person may not be deprived of employment solely because of job time lost because the person attended a proceeding that the person has a right to attend under this section.

§ 11-103 – Application for leave to appeal denial of victim's rights

- (a) (1) In this section, "violent crime" means:
 - (i) a crime of violence; or
 - (ii) except as provided in paragraph (2) of this subsection, a crime involving, causing, or resulting in death or serious bodily injury.
- (2) "Violent crime" does not include an offense under the Maryland Vehicle Law or under Title 8, Subtitle 7 of the Natural Resources Article unless the offense is punishable by imprisonment.
- (b) Although not a party to a criminal proceeding, a victim of a violent crime for which the defendant is charged may file an application for leave to appeal to the Court of Special

Appeals from an interlocutory or final order that denies or fails to consider a right secured to the victim by § 11-302(c), § 11-402, § 11-403, or § 11-404 of this title or § 6-112 of the Correctional Services Article.

§ 11-104 – Victim notification

- (a) (1) In this section the following words have the meanings indicated.
- (2) "Victim" means a person who suffers actual or threatened physical, emotional, or financial harm as a direct result of a crime or delinquent act.
- (3) "Victim's representative" includes a family member or guardian of a victim who is:
 - (i) a minor;
 - (ii) deceased; or
 - (iii) disabled.

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

- (c) (1) Within 10 days after the filing or the unsealing of an indictment or information in circuit court, whichever is later, the prosecuting attorney shall:
 - (i) mail or deliver to the victim or victim's representative the pamphlet described in § 11-914(9)(ii) of this title and the notification request form described in § 11-914(10) of this title; and
 - (ii) certify to the clerk of the court that the prosecuting attorney has complied with this paragraph or is unable to identify the victim or victim's representative.
- (2) If the prosecuting attorney files a petition alleging that a child is delinquent for committing an act that could only be tried in the circuit court if committed by an adult, the prosecuting attorney shall:
 - (i) inform the victim or victim's representative of the right to request restitution under § 11-606 of this title;
 - (ii) mail or deliver to the victim or victim's representative the notification request form described in § 11-914(10) of this title; and
 - (iii) certify to the clerk of the juvenile court that the prosecuting attorney has complied with this paragraph or is unable to identify the victim or victim's representative.
- (3) For cases described under this subsection, the prosecuting attorney may provide a State's witness in the case with the guidelines for victims, victims' representatives, and witnesses available under §§ 11-1001 through 11-1004 of this title.

- (d) (1) A victim or victim's representative may file a completed notification request form with the prosecuting attorney.
- (2) The prosecuting attorney shall send a copy of the completed notification request form to the clerk of the circuit court or juvenile court.
- (3) By filing a completed notification request form, a victim or victim's representative complies with Article 47 of the Maryland Declaration of Rights and each provision of the Code that requires a victim or victim's representative to request notice.

- (4) To keep the address of a victim or victim's representative confidential, the victim or victim's representative shall designate in the notification request form a person who has agreed to receive notice for the victim or victim's representative.
- (e) (1) The prosecuting attorney shall send a victim or victim's representative prior notice of each court proceeding in the case, of the terms of any plea agreement, and of the right of the victim or victim's representative to submit a victim impact statement to the court under § 11-402 of this title if:
- (i) prior notice is practicable; and
 - (ii) the victim or victim's representative has filed a notification request form under subsection (d) of this section.
- (2) If the case is in a jurisdiction in which the office of the clerk of the circuit court or juvenile court has an automated filing system, the prosecuting attorney may ask the clerk to send the notice required by paragraph (1) of this subsection.
- (3) As soon after a proceeding as practicable, the prosecuting attorney shall tell the victim or victim's representative of the terms of any plea agreement, judicial action, and proceeding that affects the interests of the victim or victim's representative, including a bail hearing, change in the defendant's pretrial release order, dismissal, nolle prosequi, setting of charges, trial, disposition, and postsentencing court proceeding if:
- (i) the victim or victim's representative has filed a notification request form under subsection (d) of this section and prior notice to the victim or victim's representative is not practicable; or
 - (ii) the victim or victim's representative is not present at the proceeding.
- (4) Whether or not the victim or victim's representative has filed a notification request form under subsection (d) of this section, the prosecuting attorney may give the victim or victim's representative information about the status of the case if the victim or victim's representative asks for the information.
- (f) If a victim or victim's representative has filed a notification request form under subsection (d) of this section, the clerk of the circuit court or juvenile court:
- (1) shall include a copy of the form with any commitment order or probation order that is passed; and
 - (2) if an appeal is filed, shall send a copy of the form to the Attorney General and the court to which the case has been appealed.
- (g) This section does not prohibit a victim or victim's representative from filing a notification request form with a unit to which a defendant or child respondent has been committed.
- (h) After filing a notification request form under subsection (d) of this section, a victim or victim's representative may discontinue further notices by filing a written request with:
- (1) the prosecuting attorney, if the case is still in a circuit court or juvenile court; or
 - (2) the unit to which the defendant or child respondent has been committed, if a commitment order has been issued in the case.

Subtitle 2, Pretrial Rights

§ 11-201 – Rights of Victim of Assault

A victim of an assault has the rights provided under § 3-207 of the Criminal Law Article.

§ 11-202 – Victim of delinquent act

- (a) Definition. -- In this section, "victim" has the meaning stated in § 3-8A-01 of the Courts Article.
- (b) In general. -- A victim of a delinquent act has the rights provided under Title 3, Subtitle 8A of the Courts Article.

§ 11-203 – Protection of victim before trial or hearing

As provided under § 5-201 of this article or § 3-8A-15 of the Courts Article, the court, a juvenile intake officer, or a District Court commissioner shall consider:

- (1) the safety of the alleged victim in setting conditions of:
 - (i) the pretrial release of a defendant; or
 - (ii) the prehearing release of a child respondent who is alleged to have committed a delinquent act; and
- (2) a condition of no contact with the alleged victim or the alleged victim's premises or place of employment.

§ 11-204 – Competence Examination Notification

As provided under § 3-122 of this article, the Department of Health and Mental Hygiene shall notify a victim of a crime of violence or a victim or victim's representative who has filed a notification request form under § 11-104 of this title whenever the Department receives a court order to examine a defendant to determine whether the defendant was criminally responsible for the alleged crime or is competent to stand trial.

§ 11-205 – Restrictions on Release of Information

On request of the State, a victim of or witness to a felony or delinquent act that would be a felony if committed by an adult, or a victim's representative, a judge, State's Attorney, District Court commissioner, intake officer, or law enforcement officer may withhold the address or telephone number of the victim, victim's representative, or witness before the trial or adjudicatory hearing in a juvenile delinquency proceeding, unless a judge determines that good cause has been shown for the release of the information.

Subtitle 3, Trial Procedures

§ 11-301 – Release of address of phone number of victim or witness

On motion of the State or on request of a victim or witness, during a criminal trial or a juvenile delinquency adjudicatory hearing, a court may prohibit the release of the address or telephone number of the victim or witness unless the court determines that good cause is shown for the release of the information.

§ 11-302 – Presence of victim or representative at trial

(a) Definitions.

- (1) In this section the following words have the meanings indicated.
- (2) "Representative" means a person who is designated by:
 - (i) the next of kin or guardian of a victim who is deceased or disabled; or
 - (ii) the court in a dispute over who will be the representative.
- (3) "Victim" means a person who is the victim of a crime or delinquent act.

(b) Scope of section. -- This section applies to:

- (1) a criminal trial; and
- (2) a juvenile delinquency adjudicatory hearing that is held in open court or that a victim or representative may attend under § 3-8A-13 of the Courts Article.

(c) Right to be present. -- Except as provided in subsections (d) and (e) of this section:

- (1) a representative has the right to be present at the trial of the defendant or juvenile delinquency adjudicatory hearing of the child respondent; and
- (2) after initially testifying, a victim has the right to be present at the trial of the defendant or juvenile delinquency adjudicatory hearing of the child respondent.

(d) Sequestration of representative or victim. -- The court may sequester a representative or, after a victim has initially testified, the victim from any part of the trial or juvenile delinquency adjudicatory hearing on request of the defendant, child respondent, or the State only after the court determines, with specific findings of fact on the record, that:

- (1) there is reason to believe that the victim will be recalled or the representative will be called to testify at the trial or juvenile delinquency adjudicatory hearing; and
- (2) the presence of the victim or representative would influence the victim's or representative's future testimony in a manner that would materially affect a defendant's right to a fair trial or a child respondent's right to a fair hearing.

(e) Removal of representative or victim. -- The court may remove a victim or representative from the trial or juvenile delinquency adjudicatory hearing for the same causes and in the same manner as the law provides for the exclusion or removal of a defendant or a child respondent.

- (f) Employment protection. -- As provided in § 9-205 of the Courts Article, a person may not be deprived of employment solely because of job time lost because the person attended a proceeding that the person has a right to attend under this section.
- (g) Construction of section. -- This section does not limit a victim's or representative's right to attend a trial or juvenile delinquency adjudicatory hearing as provided in § 3-8A-13 of the Courts Article or § 11-102 of this title.

§ 11-303 – Testimony of child victim by closed circuit television

- (a) This section applies to a case of abuse of a child under Title 5, Subtitle 7 of the Family Law Article or § 3-601 or § 3-602 of the Criminal Law Article.
- (b) A court may order that the testimony of a child victim be taken outside the courtroom and shown in the courtroom by closed circuit television if:
 - (1) the court determines that testimony by the child victim in the presence of a defendant or a child respondent will result in the child victim's suffering serious emotional distress such that the child victim cannot reasonably communicate; and
 - (2) the testimony is taken during the proceeding.
- (c) (1) In determining whether testimony by the child victim in the presence of the defendant or child respondent will result in the child victim's suffering such serious emotional distress that the child cannot reasonably communicate, the court may:
 - (i) observe and question the child victim inside or outside the courtroom; and
 - (ii) hear testimony of a parent or custodian of the child victim or other person, including a person who has dealt with the child victim in a therapeutic setting.(2) (i) Except as provided in subparagraph (ii) of this paragraph, each defendant or child respondent, one attorney for a defendant or child respondent, one prosecuting attorney, and one attorney for the child victim may be present when the court hears testimony on whether to allow a child victim to testify by closed circuit television.
 - (ii) If the court decides to observe or question the child victim in connection with the determination to allow testimony by closed circuit television:
 - 1. the court may not allow the defendant or child respondent to be present; but
 - 2. one attorney for each defendant or child respondent, one prosecuting attorney, and one attorney for the child victim may be present.
- (d) (1) Only the following persons may be in the room with the child victim when the child victim testifies by closed circuit television:
 - (i) one prosecuting attorney;
 - (ii) one attorney for each defendant or child respondent;
 - (iii) one attorney for the child victim;
 - (iv) the operators of the closed circuit television equipment; and
 - (v) subject to the Maryland Rules, any person whose presence, in the opinion of the court, contributes to the well-being of the child victim, including a person who has dealt with the child victim in a therapeutic setting concerning the abuse.

- (2) During the child victim's testimony by closed circuit television, the court and the defendant or child respondent shall be in the courtroom.
 - (3) The court and the defendant or child respondent shall be allowed to communicate with the persons in the room where the child victim is testifying by any appropriate electronic method.
 - (4) (i) In a juvenile delinquency proceeding or criminal proceeding, only one prosecuting attorney, one attorney for each defendant or child respondent, and the court may question the child victim.
(ii) In a child in need of assistance case, only one attorney for each party and the court may question the child victim.
- (e) This section does not apply if a defendant or child respondent is without counsel.
- (f) This section may not be interpreted to prevent a child victim and a defendant or child respondent from being in the courtroom at the same time when the child victim is asked to identify the defendant or child respondent.
- (g) This section does not allow the use of two-way closed circuit television or other procedure that would let a child victim see or hear a defendant or child respondent.

§ 11-304 – Out of court statements of certain child victims

- (a) In this section, "statement" means:
- (1) an oral or written assertion; or
 - (2) nonverbal conduct intended as an assertion, including sounds, gestures, demonstrations, drawings, and similar actions.
- (b) Subject to subsections (c), (d), and (e) of this section, the court may admit into evidence in a juvenile court proceeding or in a criminal proceeding an out of court statement to prove the truth of the matter asserted in the statement made by a child victim who:
- (1) is under the age of 12 years; and
 - (2) is the alleged victim or the child alleged to need assistance in the case before the court concerning:
 - (i) child abuse under § 3-601 or § 3-602 of the Criminal Law Article;
 - (ii) rape or sexual offense under §§ 3-303 through 3-307 of the Criminal Law Article;
 - (iii) attempted rape or attempted sexual offense in the first degree or in the second degree under §§ 3-309 through 3-312 of the Criminal Law Article; or
 - (iv) in a juvenile court proceeding, abuse or neglect as defined in § 5-701 of the Family Law Article.
- (c) An out of court statement may be admissible under this section only if the statement was made to and is offered by a person acting lawfully in the course of the person's profession when the statement was made who is:
- (1) a physician;

- (2) a psychologist;
 - (3) a nurse;
 - (4) a social worker; or
 - (5) a principal, vice principal, teacher, or school counselor at a public or private preschool, elementary school, or secondary school.
- (d) (1) Under this section, an out of court statement by a child victim may come into evidence to prove the truth of the matter asserted in the statement:
- (i) if the statement is not admissible under any other hearsay exception; and
 - (ii) regardless of whether the child victim testifies.
- (2) If the child victim does not testify, the child victim's out of court statement will be admissible only if there is corroborative evidence that:
- (i) the defendant had the opportunity to commit the alleged crime; or
 - (ii) the child respondent or the alleged offender had the opportunity to commit the alleged abuse or neglect.
- (3) To provide the defendant, child respondent, or alleged offender with an opportunity to prepare a response to the statement, the prosecuting attorney shall serve on the defendant, child respondent, or alleged offender and the attorney for the defendant, child respondent, or alleged offender within a reasonable time before the juvenile court proceeding and at least 20 days before the criminal proceeding in which the statement is to be offered into evidence, notice of:
- (i) the State's intention to introduce the statement; and
 - (ii) the content of the statement.
- (4) (i) The defendant, child respondent, or alleged offender may depose a witness who will testify under this section.
- (ii) Unless the State and the defendant, child respondent, or alleged offender agree or the court orders otherwise, the defendant, child respondent, or alleged offender shall file a notice of deposition:
 - 1. in a criminal proceeding, at least 5 days before the date of the deposition; or
 - 2. in a juvenile court proceeding, within a reasonable time before the date of the deposition.
 - (iii) Except where inconsistent with this paragraph, Maryland Rule 4-261 applies to a deposition taken under this paragraph.
- (e) (1) A child victim's out of court statement is admissible under this section only if the statement has particularized guarantees of trustworthiness.
- (2) To determine whether the statement has particularized guarantees of trustworthiness under this section, the court shall consider, but is not limited to, the following factors:
- (i) the child victim's personal knowledge of the event;
 - (ii) the certainty that the statement was made;
 - (iii) any apparent motive to fabricate or exhibit partiality by the child victim, including interest, bias, corruption, or coercion;
 - (iv) whether the statement was spontaneous or directly responsive to questions;
 - (v) the timing of the statement;

- (vi) whether the child victim's young age makes it unlikely that the child victim fabricated the statement that represents a graphic, detailed account beyond the child victim's expected knowledge and experience;
 - (vii) the appropriateness of the terminology of the statement to the child victim's age;
 - (viii) the nature and duration of the abuse or neglect;
 - (ix) the inner consistency and coherence of the statement;
 - (x) whether the child victim was suffering pain or distress when making the statement;
 - (xi) whether extrinsic evidence exists to show the defendant or child respondent had an opportunity to commit the act complained of in the child victim's statement;
 - (xii) whether the statement was suggested by the use of leading questions; and
 - (xiii) the credibility of the person testifying about the statement.
- (f) In a hearing outside of the presence of the jury or before the juvenile court proceeding, the court shall:
- (1) make a finding on the record as to the specific guarantees of trustworthiness that are in the statement; and
 - (2) determine the admissibility of the statement.
- (g) (1) In making a determination under subsection (f) of this section, the court shall examine the child victim in a proceeding in the judge's chambers, the courtroom, or another suitable location that the public may not attend unless the child victim:
- (i) is deceased; or
 - (ii) is absent from the jurisdiction for good cause shown or the State has been unable to procure the child victim's presence by subpoena or other reasonable means.
- (2) Except as provided in paragraph (3) of this subsection, any defendant or child respondent, attorney for a defendant or child respondent, and the prosecuting attorney may be present when the court hears testimony on whether to admit into evidence the out of court statement of a child victim under this section.
- (3) When the court examines the child victim as paragraph (1) of this subsection requires:
- (i) one attorney for each defendant or child respondent, one attorney for the child victim, and one prosecuting attorney may be present at the examination; and
 - (ii) the court may not allow a defendant or child respondent to be present at the examination.
- (h) (1) This section does not limit the admissibility of a statement under any other applicable hearsay exception or rule of evidence.
- (2) This section does not prohibit the court in a juvenile court proceeding from hearing testimony in the judge's chambers.

Subtitle 4, Sentencing Procedures
§ 11-401 – "Victim's representative" defined

In this subtitle, "victim's representative" means:

- (1) a member of the victim's immediate family; or
- (2) another family member, the personal representative, or guardian of the victim if the victim is:

- (i) deceased;
- (ii) under a mental, physical, or legal disability; or
- (iii) otherwise unable to provide the required information.

§ 11-402 – Victim impact statement in presentence investigation

- (a) When required. -- A presentence investigation that the Division of Parole and Probation completes under § 6-112 of the Correctional Services Article or a predisposition investigation that the Department of Juvenile Services completes shall include a victim impact statement if:
 - (1) the defendant or child respondent caused physical, psychological, or economic injury to the victim in committing a felony or delinquent act that would be a felony if committed by an adult; or
 - (2) the defendant caused serious physical injury or death to the victim in committing a misdemeanor.
- (b) Absence of presentence investigation order. -- If the court does not order a presentence investigation or predisposition investigation, the prosecuting attorney or the victim may prepare a victim impact statement to be submitted to the court and the defendant or child respondent in accordance with the Maryland Rules.
- (c) Notification by prosecuting attorney. --
 - (1) The prosecuting attorney shall notify a victim who has filed a notification request form under § 11-104 of this title of the victim's right to submit a victim impact statement to the court in a transfer hearing under § 4-202 of this article or a waiver hearing under § 3-8A-06 of the Courts Article.
 - (2) This subsection does not preclude a victim who has not filed a notification request form under § 11-104 of this title from submitting a victim impact statement to the court.
 - (3) The court may consider a victim impact statement in determining whether to transfer jurisdiction under § 4-202 of this article or waive jurisdiction under § 3-8A-06 of the Courts Article.
- (d) Consideration of statement. -- The court shall consider the victim impact statement in determining the appropriate sentence or disposition and in entering a judgment of restitution for the victim under § 11-603 of this title.
- (e) Statement of contents. -- A victim impact statement for a crime or delinquent act shall:
 - (1) identify the victim;
 - (2) itemize any economic loss suffered by the victim;
 - (3) identify any physical injury suffered by the victim and describe the seriousness and any permanent effects of the injury;
 - (4) describe any change in the victim's personal welfare or familial relationships;
 - (5) identify any request for psychological services initiated by the victim or the victim's family;

- (6) identify any request by the victim to prohibit the defendant or child respondent from having contact with the victim as a condition of probation, parole, mandatory supervision, work release, or any other judicial or administrative release of the defendant or child respondent; and
 - (7) contain any other information related to the impact on the victim or the victim's family that the court requires.
- (f) Deceased or disabled victim. -- If the victim is deceased, under a mental, physical, or legal disability, or otherwise unable to provide the information required under this section, the information may be obtained from the victim's representative.

§ 11-403 – Right of victim or victim's representative to address court during sentencing or disposition hearing

- (a) "Sentencing or disposition hearing" defined. -- In this section, "sentencing or disposition hearing" means a hearing at which the imposition of a sentence, disposition in a juvenile court proceeding, or alteration of a sentence or disposition in a juvenile court proceeding is considered.
- (b) In general. -- In the sentencing or disposition hearing the court:
- (1) 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:
 - (i) at the request of the prosecuting attorney; or
 - (ii) if the victim has filed a notification request form under § 11-104 of this title; and
 - (2) may allow the victim or the victim's representative to address the court under oath before the imposition of sentence or other disposition at the request of the victim or the victim's representative.
- (c) Cross-examination of victim or victim's representative. –
- (1) If the victim or the victim's representative is allowed to address the court, the defendant or child respondent may cross-examine the victim or the victim's representative.
 - (2) The cross-examination is limited to the factual statements made to the court.
- (d) Right not to address court. –
- (1) A victim or the victim's representative has the right not to address the court at the sentencing or disposition hearing.
 - (2) A person may not attempt to coerce a victim or the victim's representative to address the court at the sentencing or disposition hearing.
- (e) Denial of rights. -- A victim or victim's representative who has been denied a right provided under this section may file an application for leave to appeal in the manner provided under § 11-103 of this title.

§ 11-404 – Right of victim's representative to address jury in death penalty proceeding

- (a) In general. -- Except as provided in subsection (b) of this section, a victim's representative has the same right to address the jury in a death penalty sentencing as a victim's representative has to address a court under § 11-403 of this subtitle.
- (b) Hearings; limitations. –
 - (1) On motion of a defendant or the State or on the court's own initiative, the court in a death penalty sentencing may hold a hearing outside of the presence of the jury to determine whether a victim's representative may present an oral address to the jury.
 - (2) If the court determines that part of a victim's representative's oral address will be so unduly prejudicial that it renders the jury sentencing proceeding fundamentally unfair, the court may limit the prejudicial portion of the oral address.
- (c) Right to hearing denied. -- A victim's representative who has been denied a right provided under this section may file an application for leave to appeal in the manner provided under § 11-103 of this title.

Subtitle 5, Postsentencing Proceedings

§ 11-501 – Definitions

- (a) In this subtitle the following words have the meanings indicated.
- (b) "Victim" means a person who suffers direct or threatened physical, emotional, or financial harm as a direct result of a crime or delinquent act.
- (c) "Victim's representative" includes:
 - (1) a family member of a victim who is a minor, an incompetent, or a victim of homicide; or
 - (2) a guardian of a minor or an incompetent.

§ 11-502 – Scope of subtitle

This subtitle applies only to a defendant who is charged with a felony or to a child respondent who is alleged to have committed a delinquent act that would be a felony if committed by an adult.

§ 11-503 – Notice of subsequent proceedings

- (a) "Subsequent proceeding" defined. -- In this section, "subsequent proceeding" includes:
 - (1) a sentence review under § 8-102 of this article;
 - (2) a hearing on a request to have a sentence modified or vacated under the Maryland Rules;
 - (3) in a juvenile delinquency proceeding, a review of a commitment order or other disposition under the Maryland Rules;
 - (4) an appeal to the Court of Special Appeals;
 - (5) an appeal to the Court of Appeals; and

- (6) any other postsentencing court proceeding.
- (b) Request required from victim or victim's representative. -- Following conviction or adjudication and sentencing or disposition of a defendant or child respondent, the State's Attorney shall notify the victim or victim's representative of a subsequent proceeding in accordance with § 11-104(e) of this title if:
 - (1) before the State's Attorney distributes notification request forms under § 11-104(c) of this title, the victim or victim's representative submitted to the State's Attorney a written request to be notified of subsequent proceedings; or
 - (2) after the State's Attorney distributes notification request forms under § 11-104(c) of this title, the victim or victim's representative submits a notification request form in accordance with § 11-104(d) of this title.
- (c) Duties of State's Attorney. –
 - (1) The State's Attorney's office shall:
 - (i) notify the victim or victim's representative of all appeals to the Court of Special Appeals and the Court of Appeals; and
 - (ii) send an information copy of the notification to the office of the Attorney General.
 - (2) After the initial notification to the victim or victim's representative or receipt of a notification request form, as defined in § 11-104 of this title, the office of the Attorney General shall:
 - (i) notify the victim or victim's representative of each subsequent date pertinent to the appeal, including dates of hearings, postponements, and decisions of the appellate courts; and
 - (ii) send an information copy of the notification to the State's Attorney's office.
- (d) Content of notice. -- A notice sent under this section shall include the date, the time, the location, and a brief description of the subsequent proceeding.

§ 11-504 – Proceedings at Patuxent Institution -- Notice and comment

- (a) Work release and leave of absence. -- Before the Board of Review for Patuxent Institution grants work release or leave of absence to an eligible person, the Board shall give the victim or victim's representative notice and opportunity for comment as provided under § 4-303(b) of the Correctional Services Article.
- (b) Release. –
 - (1) Before the Board of Review for Patuxent Institution decides whether to grant parole to an eligible person, the Board shall give the victim or victim's representative notice and the opportunity for comment as provided under § 4-305(d) of the Correctional Services Article.
 - (2) If the Board of Review for Patuxent Institution petitions a court to suspend or vacate the sentence of a person who has successfully completed 3 years on parole without violation and who the Board concludes is safe to be permanently released, the Board shall notify

the victim or victim's representative as provided under § 4-305(f) of the Correctional Services Article.

§ 11-505 – Department of Public Safety and Correctional Services -- Notice and comment

- (a) Scope of section. -- This section applies to a victim or victim's representative who:
 - (1) has made a written request to the Department for notification; or
 - (2) has filed a notification request form under § 11-104 of this title.

- (b) Parole release hearing. –
 - (1) If a parole release hearing is scheduled for an inmate who has been convicted of and sentenced for a crime, the victim or victim's representative has the rights provided under § 7-801 of the Correctional Services Article.
 - (2) At a parole release hearing, a victim or victim's representative has the rights provided under § 7-304 of the Correctional Services Article.

- (c) Violation of parole. –
 - (1) Whenever a person who was convicted of a violent crime as defined in § 7-101 of the Correctional Services Article is found guilty of violating a condition of parole, the Department shall notify the victim or victim's representative as provided under § 7-804 of the Correctional Services Article.
 - (2) Whenever a warrant or subpoena is issued for a person who was convicted of a violent crime as defined in § 7-101 of the Correctional Services Article for an alleged violation of a condition of parole, the Department shall notify the victim or victim's representative as provided under § 7-804 of the Correctional Services Article.

- (d) Commutation, pardon, or remission of sentence. –
 - (1) Whenever a person who is sentenced is considered for a commutation, pardon, or remission of sentence, the Department shall notify the victim or victim's representative as provided under § 7-805(b) and (f) of the Correctional Services Article.
 - (2) If the person described in paragraph (1) of this subsection was convicted of a violent crime as defined in § 7-101 of the Correctional Services Article, a victim or victim's representative has the additional rights regarding submission and consideration of a victim impact statement provided under § 7-805(c) and (d) of the Correctional Services Article.

- (e) Violation of mandatory supervision. –
 - (1) Whenever a person convicted of a crime of violence is found guilty of violating a condition of mandatory supervision, the Department shall notify the victim or victim's representative as provided under § 7-505(b) of the Correctional Services Article.
 - (2) Whenever a warrant or subpoena is issued for a person convicted of a violent crime as defined in § 7-101 of the Correctional Services Article for an alleged violation of a condition of mandatory supervision, the Department shall notify the victim or victim's representative as provided under § 7-804 of the Correctional Services Article.

- (f) Notification to victim of predetermined parole release agreement. -- Before entering into a predetermined parole release agreement with an inmate, the Maryland Parole Commission shall notify the victim or victim's representative as provided under § 7-803 of the Correctional Services Article.

§ 11-506 – Victim’s rights after finding of not criminally responsible

Whenever a person has been committed to the Department of Health and Mental Hygiene under § 3-112 of this article for a crime of violence and a victim of the crime or a victim's representative has submitted a written request to the Department of Health and Mental Hygiene for notification or submitted a notification request form under § 11-104 of this title, the victim or victim's representative has the rights provided under § 3-123 of this article.

§ 11-507 – Notification of probation violation

The Department or the Department of Juvenile Services shall notify the victim or victim's representative of an alleged violation of a condition of probation whenever:

- (1) a warrant, subpoena, or writ of attachment is issued for the alleged violation for a person who was convicted of a violent crime or who was adjudged to have committed a delinquent act that would be a violent crime if committed by an adult; and
- (2) a victim of the crime or delinquent act or a victim's representative has submitted a written request to the Department for notification or has submitted a notification request form under § 11-104 of this title.

§ 11-508 – Notification of release from confinement

(a) Definitions. –

- (1) In this section the following words have the meanings indicated.
- (2) "Commitment unit" means a unit that a court orders to retain custody of a defendant or a child respondent and that receives a notification request form under § 11-104(f)(1) or (g) of this title.
- (3) "Release from confinement" means work release, home detention, or other administrative or statutorily authorized release of a defendant or child respondent from a confinement facility.
- (4) "Witness" means a person who:
 - (i) knows of facts relating to a crime of violence or conspiracy or solicitation to commit a crime of violence; and
 - (ii) 1. makes a declaration under oath that is received as evidence for any purpose; or
2. has been served with a subpoena issued under the authority of a court of this or any other state or of the United States.

(b) Scope of section. -- This section applies to a victim or victim's representative who has submitted a notification request form under § 11-104 of this title.

- (c) Written request for notification by witness. -- This section applies if a witness requests in writing that a commitment unit notify the witness in writing of the release from confinement of a defendant or child respondent.
- (d) Requirements of notification. -- On receipt of a notification request form under § 11-104(f)(1) or (g) of this title or a written request from a witness for notification, a commitment unit, if practicable, shall notify the victim, victim's representative, or witness of:
 - (1) receipt of the notification request form;
 - (2) the date when the defendant or child respondent was placed in the custody of the commitment unit;
 - (3) how to change the address to receive notice for the victim, victim's representative, witness, or the person to receive notice for the victim; and
 - (4) how to elect not to receive future notices.
- (e) When notice required. -- The commitment unit shall notify a victim, victim's representative, or witness, in advance if practicable, if any of the following events occur concerning the defendant or child respondent:
 - (1) an escape;
 - (2) a recapture;
 - (3) a transfer to another commitment unit;
 - (4) a release from confinement and any conditions attached to the release; and
 - (5) the death of the defendant or child respondent.
- (f) Disclosure of address or phone number prohibited. -- A commitment unit may not disclose to a defendant or child respondent the address or telephone number of a witness, victim, victim's representative, or person who receives notice for the victim.
- (g) Immunity from liability. -- An elected public official, public employee, or public unit has the immunity described in §§ 5-302 and 5-522 of the Courts Article regarding civil liability for damages arising out of an action relating to this section, unless the official, employee, or unit acts with gross negligence or in bad faith.

Subtitle 9, Victim and Witness Services

Part I, Protection and Relocation of Victims and Witnesses

§ 11-901 – Definitions

- (a) In Part I of this subtitle the following words have the meanings indicated.
- (b) "Program" means the Victim and Witness Protection and Relocation Program.
- (c) "Fund" means the Victim and Witness Protection and Relocation Fund.

§ 11-902 – Victim and Witness Protection and Relocation Program

There is a Victim and Witness Protection and Relocation Program.

§ 11-903 – Administration

The State's Attorneys' Coordinator shall carry out the Program in accordance with regulations that the State's Attorneys' Coordination Council adopts under Article 10, § 41D of the Code.

§ 11-904 – Purpose; Federal Funds; Expenditures

- (a) Money appropriated to the Program shall be used:
 - (1) to protect victims and witnesses and the families of victims and witnesses;
 - (2) to relocate victims and witnesses to protect them or to facilitate their participation in court proceedings; and
 - (3) to pay the costs of carrying out the Program.
- (b) To the extent possible, the Program shall be used to maximize the use of federal matching funds or programs.
- (c) Expenditures under this section shall be made in accordance with the State budget.

§ 11-905 – Victim and Witness Protection and Relocation Fund

- (a) There is a Victim and Witness Protection and Relocation Fund.
- (b) The Fund shall be used to pay for the Program.

§ 11-906 – Status; Investments; Construction

- (a) (1) The Fund is a special continuing, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.
 - (2) The Treasurer shall separately hold the Fund and the Comptroller shall account for it.
- (b) (1) The Fund shall be invested and reinvested in the same manner as other State funds.
 - (2) Any investment earnings or federal matching funds received by the State for victim and witness protection or relocation shall be credited to the Fund.
- (c) This section does not prohibit the Fund from receiving money from any source.

§ 11-907 – Audits

Both the Program and the Fund are subject to an audit by the Office of Legislative Audits under § 2-1220 of the State Government Article.

Part III, Help for Victims of Sexual Assault Offenses

§ 11-922 – “Sexual Assault” defined

In this part, "sexual assault" means rape or a sexual offense in any degree that is specified in §§ 3-303 through 3-312, 3-314, or 3-315 of the Criminal Law Article.

§ 11-923 – Sexual Assault Crisis Programs

- (a) The General Assembly finds that an increasing number of sexual assault offense victims in the State:
 - (1) lack necessary counseling and follow-up services; and
 - (2) in some parts of the State, have only the help of extremely limited support services.
- (b) The purpose of this section is to provide for sexual assault crisis programs that address the special needs of sexual assault victims.
- (c)
 - (1) The Department of Human Resources shall help establish sexual assault crisis programs in the State.
 - (2) The programs shall be developed and located to facilitate their use by alleged victims residing in surrounding areas.
 - (3) The programs shall:
 - (i) provide specialized support services to adult and minor alleged victims of sexual assault crimes; and
 - (ii) include a hotline and counseling service.
- (d) The Department of Human Resources may contract with public or private nonprofit organizations to operate the sexual assault crisis programs.
- (e) Money for the sexual assault crisis programs shall be as provided in the annual State budget and shall be used to supplement, but not supplant, money that the programs receive from other sources.
- (f) The Secretary of Human Resources shall include a report on the sexual assault crisis programs in the Department of Human Resources annual report to the General Assembly.

§ 11-924 – Transporting alleged sexual assault victims

- (a) The nearest facility to which a victim of sexual assault may be taken shall be designated by the Department of Health and Mental Hygiene in cooperation with:
 - (1) the Medical and Chirurgical Faculty of the State of Maryland; and
 - (2) the State's Attorney in the subdivision where the sexual assault occurred.
- (b) (1) A police officer, sheriff, or deputy sheriff who receives a report of an alleged sexual assault shall offer the alleged victim the opportunity to be taken immediately to the nearest facility.
- (2) The offer shall be made without regard for the place of the alleged sexual assault or where it is reported.

§ 11-925 – Health care services

Applicable health care services shall be given without charge to a victim of sexual abuse, as provided under § 15-127 of the Health - General Article.

Subtitle 10, Treatment and Help

§ 11-1001 – Definitions

- (a) In this subtitle the following words have the meanings indicated.
- (b) "Crime" means conduct that is a crime under the law of this State or federal law.
- (c) (1) "Disposition" means the sentencing or determination of penalty or punishment to be imposed on a person convicted of a crime or against whom a finding of sufficient facts for conviction is made.
- (2) "Disposition" includes dismissal of charges or other disposition under a plea bargain agreement.
- (d) "Restitution" means money or services that a defendant is ordered to pay or render to a victim or victim's representative.
- (e) "Victim" means a person who suffers direct or threatened physical, emotional, or financial harm as a result of a crime.
- (f) "Victim's representative" includes:
 - (1) a spouse, child, sibling, or a parent of a victim who is a minor, incompetent, or a victim of a homicide; or
 - (2) a guardian of a minor or an incompetent.
- (g) "Witness" means a person who is or expects to be a State's witness.

§ 11-1002 – Guidelines for treatment of victim of crime, victim's representative, or witness

- (a) The appropriate criminal justice unit should inform a victim of a crime, a victim's representative, or a witness of the guidelines listed in subsection (b) of this section.
- (b) A victim of a crime, victim's representative, or witness:
- (1) should be treated with dignity, respect, courtesy, and sensitivity;
 - (2) should receive crisis intervention help, if needed, or be told by the appropriate criminal justice unit where crisis intervention help, emergency medical treatment, creditor intercession services, or other social services and counseling may be obtained;
 - (3) should be notified in advance of dates and times of trial court proceedings in the case and, on written request, of postsentencing proceedings, and be notified if the court proceedings to which the victim of a crime, victim's representative, or witness has been subpoenaed will not proceed as scheduled;
 - (4) should be told of the protection available, and, on request, be protected by a criminal justice unit, to the extent reasonable, practicable, and, in the unit's discretion, necessary, from harm or threats of harm arising out of the crime victim's or witness's cooperation with law enforcement and prosecution efforts;
 - (5) during each phase of the investigative or court proceedings, should be provided, to the extent practicable, with a waiting area that is separate from a suspect and the family and friends of a suspect;
 - (6) should be told by the appropriate criminal justice unit of financial assistance, criminal injuries compensation, and any other social services available to the victim of a crime or victim's representative and receive help or information on how to apply for services;
 - (7) should be told of and, on request, should be given employer intercession services, when appropriate, by the State's Attorney's office or other available resource to seek employer cooperation in minimizing an employee's loss of pay or other benefits resulting from participation in the criminal justice process;
 - (8) on written request, should be kept reasonably informed by the police or the State's Attorney of the arrest of a suspect and closing of the case, and should be told which office to contact for information about the case;
 - (9) should be told of the right to have stolen or other property promptly returned and, on written request, should have the property promptly returned by a law enforcement unit when evidentiary requirements for prosecution can be satisfied by other means, unless there is a compelling law enforcement reason for keeping it;
 - (10) for a crime of violence, on written request, should be kept informed by pretrial release personnel, the State's Attorney, or the Attorney General, as appropriate, of each proceeding that affects the crime victim's interest, including:
 - (i) bail hearing;
 - (ii) dismissal;
 - (iii) nolle prosequi;
 - (iv) setting of charges;
 - (v) trial; and
 - (vi) disposition;
 - (11) on request of the State's Attorney and in the discretion of the court, should be allowed to address the court or jury or have a victim impact statement read by the court or jury at:
 - (i) sentencing before the imposition of the sentence; or

- (ii) any hearing to consider altering the sentence;
 - (12) should be told, in appropriate cases, by the State's Attorney of the right to request restitution and, on request, should be helped to prepare the request and should be given advice as to the collection of the payment of any restitution awarded;
 - (13) should be entitled to a speedy disposition of the case to minimize the length of time the person must endure responsibility and stress in connection with the case;
 - (14) on written request to the parole authority, should be told each time there is to be a hearing on provisional release from custody and each time the criminal will receive a provisional release;
 - (15) on written request to the Patuxent Institution, Division of Correction, or Parole Commission, as appropriate, should have a victim impact statement read at a hearing to consider temporary leave status or a provisional release; and
 - (16) on written request to the unit that has custody of the offender after sentencing, should be told by the unit whenever the criminal escapes or receives a mandatory supervision release.
- (c) (1) The Department shall make the guidelines in subsection (b) of this section available to the units involved with carrying out the guidelines.
- (2) To the extent feasible, the guidelines in subsection (b) of this section shall be printed by State Use Industries.

§ 11-1003 – Guidelines for treatment of victim of delinquent act, victim's representative, or witness

- (a) The appropriate juvenile services unit should tell a victim of a delinquent act, victim's representative, or witness of the guidelines listed in subsection (b) of this section.
- (b) A victim of a delinquent act, victim's representative, or witness:
- (1) should be treated with dignity, respect, courtesy, and sensitivity;
 - (2) should be told in advance of dates and times of juvenile court proceedings in the case and should be told if the court proceedings to which the victim, victim's representative, or witness has been summoned will not proceed as scheduled;
 - (3) during any phase of the investigative or court proceedings, should be provided, to the extent practicable, with a waiting area that is separate from a child respondent and the family and friends of the child respondent;
 - (4) should be told by the appropriate juvenile services unit of financial help, criminal injuries compensation, and any other social services available to the victim and receive help or information on how to apply for services;
 - (5) on written request, should be kept reasonably informed by the police or the State's Attorney of the apprehension of a child respondent and of the closing of the case, and should be told which office to contact for information about the case;
 - (6) should be told of the right to have stolen or other property promptly returned and, on written request, have the property promptly returned by a law enforcement unit when evidentiary requirements for prosecution can be satisfied by other means unless there is a compelling law enforcement reason for keeping it;

- (7) should be told, in appropriate cases, by the State's Attorney of the right to request restitution and, on request, should be helped to prepare the request and should be given advice as to the collection of the payment of any restitution awarded; and
- (8) on written request to the appropriate unit, should be told any time that the child respondent is to be released or escapes.

(c) The Department of Juvenile Services shall make the guidelines in subsection (b) of this section available to the units involved with carrying out the guidelines.

§ 11-1004 – Effect of subtitle

This subtitle does not create a cause of action on behalf of a person against a public official, public employee, a State or local government, or unit, including a unit responsible for the guidelines set forth in this subtitle.

§ 11-1005 – Victim and responsible relative; cost of health services

As provided under § 16-203(a)(4) of the Health - General Article, a victim of sexual abuse, physical abuse, or a crime of violence who is a responsible relative of the perpetrator may not be held liable for the cost of health services provided to the perpetrator of the offense by the Department of Health and Mental Hygiene.

Additional statutes of interest to a crime victim's attorney include:

- Md. Code of Criminal Procedure, Right to HIV Testing, §§ 11-107 to 11-117
- Md. Code of Criminal Procedure, Right to Restitution and Other Payments, §§ 11-601 to 11-620
- Md. Code of Criminal Procedure, Notoriety of Crimes Contracts, §§ 11-621 to 11-633
- Md. Code of Criminal Procedure, Registration of Certain Offenders, §§ 11-701 to 11-721
- Md. Code of Criminal Procedure, Criminal Injuries Compensation Board, §§ 11-801 to 11-819
- Md. Code of Criminal Procedure, Victim and Witness Services, State Board of Victim Services, §§ 11-910 to 11-919