



Select Victims' Rights – Maryland

USING THIS RESOURCE

This resource is intended to provide a base of knowledge regarding crime victims' rights in Maryland and promising practices to ensure compliance with and enforcement of those rights. To keep this *Guide* as user-friendly as possible in light of the breadth, complexity and evolving nature of law, the *Guide* does not include all laws. The *Guide* is intended for informational purposes only. It does not constitute legal advice, nor does it substitute for legal advice. For more in-depth information about the laws governing privacy, confidentiality and privilege in Maryland, see the companion resource: *Law Enforcement-Based Victim Services in Maryland: Privacy, Privilege and Confidentiality*.

The following icons are used throughout this resource to highlight key moments for the user.



= Promising Practices: As used in this *Guide*, the “promising practices” indicator highlights procedures, methods or techniques, grounded in victim-centered and trauma-informed research and experience, that afford victims meaningful rights in the justice system.



= Take Note: As used in this *Guide*, the “take note” indicator provides context for the law cited or discussed. For example, if a law has a particularly narrow application or does not explicitly prohibit an action the “take note” indicator is used to highlight or provide clarity around the law.

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¹ This table of contents and index of rights provides specific page references for many of the victims’ rights laws contained within this *Guide*. The referenced laws are often narrower in scope than the broader rights identified in the index and may contain components of multiple core rights. Not all of the laws contained within this *Guide* are referenced in the table of contents and index; therefore, it is recommended that this document be reviewed in full.


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SELECT DEFINITIONS	Maryland Statutes
<p>Code of Criminal Procedure, Victims and Witnesses: General Provisions Definitions.</p> <p>(a) In this title the following words have the meanings indicated.</p> <p>(b) “Child respondent” means a person who:</p> <ol style="list-style-type: none"> (1) in a petition filed in juvenile court, is alleged to have committed a delinquent act; or (2) has committed a delinquent act. <p>(c) “Delinquent act” has the meaning stated in § 3-8A-01 of the Courts Article.</p> <p>(d) “MDEC system” means the system of electronic filing and case management established by the Maryland Court of Appeals.</p> <p>(e) “Prosecuting attorney” means:</p> <ol style="list-style-type: none"> (1) the State’s Attorney; (2) the State’s Attorney’s designee; (3) when performing a prosecutorial function at the trial level, the Attorney General or the Attorney General’s designee; or (4) the State Prosecutor or the State Prosecutor’s designee. <p>(f) “Victim stay-away alert technology” means a system of electronic monitoring that is capable of notifying a victim if the defendant is at or near a location from which the defendant has been ordered by the court to stay away.</p> <p> These definitions apply to Title 11 of Maryland’s Code of Criminal Procedure, which governs the rights and treatment of victims and witnesses in the criminal justice process, Md. Code Ann., Crim. Proc. §§ 11-101 to 11-1105. Many of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	<p>Md. Code Ann., Crim. Proc. § 11-101.</p>


<p>Code of Criminal Procedure, Victims and Witnesses: Denial of Rights and Appeals Definitions.</p> <p>(1) In this section, “crime” means:</p> <ul style="list-style-type: none"> (i) a crime; (ii) a delinquent act that would be a crime if committed by an adult; or (iii) except as provided in paragraph (2) of this subsection, a crime or delinquent act involving, causing, or resulting in death or serious bodily injury. <p>(2) “Crime” does not include an offense under the Maryland Vehicle Law¹ or under Title 8, Subtitle 7 of the Natural Resources Article unless the offense is punishable by imprisonment.</p> <p>¹Transportation, § 11-101 et seq.</p> <p> This definition applies to Md. Code Ann., Crim. Proc. § 11-103, the text of which is included below in the section “Select Crime Victims’ Rights.”</p>	<p>Md. Code Ann., Crim. Proc. § 11-103(a).</p>
<p>Code of Criminal Procedure, Victims and Witnesses: Pamphlets and Notification Definitions.</p> <p>(1) In this section the following words have the meanings indicated.</p> <p>(2) “DNA” has the meaning stated in § 2-501 of the Public Safety Article.</p> <p>(3) “Statewide DNA database system” has the meaning stated in § 2-501 of the Public Safety Article.</p> <p>(4) “Victim” means a person who suffers actual or threatened physical, emotional, or financial harm as a direct result of a crime or delinquent act.</p> <p>(5) “Victim’s representative” includes a family member or guardian of a victim who is:</p>	<p>Md. Code Ann., Crim. Proc. § 11-104(a).</p>

<p>(i) a minor; (ii) deceased; or (iii) disabled.</p> <p> These definitions apply to Md. Code Ann., Crim. Proc. § 11-104, the text of which is included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Code of Criminal Procedure, Victims and Witnesses: HIV and Hepatitis C Testing Definitions.</p> <p>(a) In Part II of this subtitle the following words have the meanings indicated.</p> <p>(b) “Charged” means to be the subject of an indictment, an information, or a petition alleging a delinquent act.</p> <p>(c) “Health officer” has the meaning stated in § 1-101 of the Health—General Article.</p> <p>(d) “HIV” means any human immunodeficiency virus that causes Acquired Immune Deficiency Syndrome (AIDS).</p> <p>(e)(1) “Prohibited exposure” means a crime or delinquent act that may have caused or resulted in exposure to HIV or hepatitis C. (2) “Prohibited exposure” includes: (i) contact that occurs on penetration, however slight, between the penis and the vulva or anus; and (ii) contact between the mouth and the penis, vulva, or anus.</p> <p>(f)(1) “Victim” means the victim of a prohibited exposure. (2) “Victim” includes: (i) a law enforcement officer who is exposed to HIV or hepatitis C while acting in the performance of duty;</p>	<p>Md. Code Ann., Crim. Proc. § 11-107.</p>


<p>(ii) a paid or volunteer firefighter, an emergency medical technician, or rescue squad member who is exposed to HIV or hepatitis C while acting in the performance of duty;</p> <p>(iii) a forensic scientist, working under the direction of a law enforcement agency, who is exposed to HIV or hepatitis C while acting in the performance of duty; and</p> <p>(iv) an individual who is licensed, certified, or otherwise authorized to provide health care under the Health Occupations Article who is exposed to HIV or hepatitis C while working under the direction of a law enforcement agency or while performing a sexual assault medical evidence collection examination.</p> <p>(g) “Victim’s representative” means:</p> <p>(1) the parent of a victim who is a minor;</p> <p>(2) the legal guardian of a victim; or</p> <p>(3) the person authorized to give consent for the victim under § 5-605 of the Health—General Article.</p> <p> These definitions apply to the portion of Title 11 of the Maryland Code of Criminal Procedure governing the right of victims to HIV and hepatitis C testing, Md. Code Ann., Crim. Proc. §§ 11-107 to 11-117. Some of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Code of Criminal Procedure, Victims and Witnesses: Right to be Present at Trial Definitions.</p> <p>(1) In this section the following words have the meanings indicated.</p> <p>(2) “Representative” means a person who is designated by:</p> <p>(i) the next of kin or guardian of a victim who is deceased or disabled; or</p> <p>(ii) the court in a dispute over who will be the representative.</p> <p>(3) “Victim” means a person who is the victim of a crime or delinquent act.</p>	<p>Md. Code Ann., Crim. Proc. § 11-302(a).</p>



<p> These definitions apply to Md. Code Ann., Crim. Proc. § 11-302, which governs victims' right to be present at trial. This statutory provision is included below in the section "Select Crime Victims' Rights".</p>	
<p>Code of Criminal Procedure, Victims and Witnesses: Sentencing Procedure Definitions.</p> <p>In this subtitle, "victim's representative" means:</p> <p>(1) a member of the victim's immediate family; or</p> <p>(2) another family member, the personal representative, or guardian of the victim if the victim is:</p> <p>(i) deceased;</p> <p>(ii) under a mental, physical, or legal disability; or</p> <p>(iii) otherwise unable to provide the required information.</p> <p> These definitions apply to the portion of Title 11 of the Maryland Code of Criminal Procedure governing the right of victims at sentencing, Md. Code Ann., Crim. Proc. §§ 11-402 and 11-403. These statutory provisions are included below in the section "Select Crime Victims' Rights."</p>	<p>Md. Code Ann., Crim. Proc. § 11-401.</p>
<p>Code of Criminal Procedure, Victims and Witnesses: Postsentencing Procedure Definitions.</p> <p>(a) In this subtitle the following words have the meanings indicated.</p> <p>(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.</p> <p>(c) "Victim's representative" includes:</p>	<p>Md. Code Ann., Crim. Proc. § 11-501.</p>



<p>(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.</p> <p> These definitions apply to the portion of Title 11 of the Maryland Code of Criminal Procedure governing postsentencing procedures, Md. Code Ann., Crim. Proc. §§ 11-503 to 11-508. These statutes are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Code of Criminal Procedure, Victims and Witnesses: Postsentencing Notification Procedure Definitions.</p> <p>In this section, “subsequent proceeding” includes:</p> <p>(1) a sentence review under § 8-102 of this article;</p> <p>(2) a hearing on a request to have a sentence modified or vacated under the Maryland Rules;</p> <p>(3) in a juvenile delinquency proceeding, a review of a commitment order or other disposition under the Maryland Rules;</p> <p>(4) an appeal to the Court of Special Appeals;</p> <p>(5) an appeal to the Court of Appeals;</p> <p>(6) a hearing on an adjustment of special conditions of lifetime sexual offender supervision under § 11-723 of this title or a hearing on a violation of special conditions of lifetime sexual offender supervision or a petition for discharge from special conditions of lifetime sexual offender supervision under § 11-724 of this title; and</p> <p>(7) any other postsentencing court proceeding.</p> <p> This definition applies to the section of Title 11 of the Maryland Code of Criminal</p>	<p>Md. Code Ann., Crim. Proc. § 11-503(a).</p>


<p>Procedure governing notification of postsentencing proceedings, Md. Code Ann., Crim. Proc. § 11-503, the text of which is included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Code of Criminal Procedure, Victims and Witnesses: Postsentencing Procedures, Victims’ Right to Notice of a Defendant’s Release from Confinement Definitions.</p> <p>(1) In this section the following words have the meanings indicated.</p> <p>(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(g)(1) or (h) of this title.</p> <p>(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.</p> <p>(4) “Witness” means a person who:</p> <ul style="list-style-type: none"> (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. <p> These definitions apply to Md. Ann. Code, Crim. Proc. § 11-503, which governs notice of a defendant or child respondent’s release from confinement. This statutory provision is included below in the section “Select Crime Victims’ Rights.”</p>	<p>Md. Code Ann., Crim. Proc. § 11-508(a).</p>
<p>Code of Criminal Procedure, Victims and Witnesses: Victims’ Right to Restitution Definitions.</p> <p>(a) In Part I of this subtitle the following words have the meanings indicated.</p>	<p>Md. Code Ann., Crim. Proc. § 11-601.</p>



<p>(b) “Central Collection Unit” means the Central Collection Unit in the Department of Budget and Management.</p> <p>(c) “Child” means a person under the age of 18 years.</p> <p>(d)(1) “Crime” means an act committed by a person in the State that is a crime under: (i) common law; (ii) § 109 of the Code of Public Local Laws of Caroline County; (iii) § 8A-1 of the Code of Public Local Laws of Talbot County; or (iv) except as provided in paragraph (2) of this subsection, the Annotated Code. (2) “Crime” does not include a violation of the Transportation Article that is not punishable by a term of confinement.</p> <p>(e) “Defendant” means a person: (1) who has received probation before judgment; (2) who has been found guilty of a crime, even if the defendant has been found not criminally responsible; or (3) whose plea of nolo contendere to a crime has been accepted by the court.</p> <p>(f) “Division” means the Division of Parole and Probation.</p> <p>(g) “Judgment of restitution” means a direct order for payment of restitution or an order for payment of restitution that is a condition of probation in an order of probation.</p> <p>(h) “Liable parent” means a parent: (1) whose child has committed a crime or delinquent act; and (2) who has been ordered to pay restitution under § 11-604 of this subtitle.</p> <p>(i) “Restitution obligor” means a defendant, child respondent, or liable parent against whom a judgment of restitution has been entered.</p> <p>(j) “Victim” means:</p>	
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<p>(1) a person who suffers death, personal injury, or property damage or loss as a direct result of a crime or delinquent act; or (2) if the person is deceased, the personal representative of the estate of the person.</p> <p> These definitions apply to the portion of Title 11 of Maryland’s Code of Criminal Procedure governing a victim’s right to restitution, Md. Code Ann., Crim. Proc. §§ 11-601 to 11-619. Md. Code Ann., Crim. Proc. § 11-603 is included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Code of Criminal Procedure, Victims and Witnesses: Victims Help and Treatment Definitions.</p> <p>(a) In this subtitle the following words have the meanings indicated.</p> <p>(b) “Crime” means conduct that is a crime under the law of this State or federal law.</p> <p>(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.</p> <p>(d) “Restitution” means money or services that a defendant is ordered to pay or render to a victim, victim’s representative, or other person or governmental unit.</p> <p>(e) “Victim” means a person who suffers direct or threatened physical, emotional, or financial harm as a result of a crime.</p> <p>(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.</p>	<p>Md. Code Ann., Crim. Proc., § 11-1001.</p>



<p>(g) “Witness” means a person who is or expects to be a State’s witness.</p> <p> These definitions apply to the portion of Title 11 of the Maryland Code of Criminal Procedure governing victim treatment and help, Md. Code Ann., Crim. Proc. §§ 11-1001 to 11-1008. Md. Code Ann., Crim. Proc. § 11-1002 is included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Maryland Courts and Judicial Procedure: Definition of “Victim.”</p> <p>(1) “Victim” means:</p> <p>(i) A person who suffers direct or threatened physical, emotional, or financial harm as a result of a delinquent act; or</p> <p>(ii) An individual against whom an act specified in § 3-8A-19.1(b) of this subtitle is committed or alleged to have been committed.</p> <p>(2) “Victim” includes a family member of a minor, disabled, or a deceased victim.</p> <p>(3) “Victim” includes, if the victim is not an individual, the victim’s agent or designee.</p> <p> This definition applies to Md. Rules, R. 1-326, which is included below in the section “Select Crime Victims’ Rights.”</p>	<p>Md. Code Ann., Cts. & Jud. Proc. § 3-8A-01(cc).</p>
<p>Human Trafficking Address Confidentiality Program Definitions.</p> <p>(a) In this subtitle the following words have the meanings indicated.</p> <p>(b) “Actual address” means a residential street address, school address, or work address of an individual as specified on the individual’s application to be a Program participant under this subtitle.</p>	<p>Md. Code Ann., State Gov’t § 7-301.</p>





<p>(c) “Disabled person” has the meaning stated in § 13-101 of the Estates and Trusts Article.</p> <p>(d) “Program” means the Human Trafficking Address Confidentiality Program.</p> <p>(e) “Program participant” means an individual designated as a Program participant under this subtitle.</p> <p>(f) “Victim of human trafficking” means an individual who has been recruited, harbored, transported, provided, or obtained for labor, services, or a sexual act through the use of force, fraud, or coercion.</p> <p> These definitions apply to Maryland’s Human Trafficking Address Confidentiality Program, Md. Code Ann., State Gov’t §§ 7-301 to 7-313. Some of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Domestic Violence Address Confidentiality Program Definitions.</p> <p>(a) In this Part IV of this subtitle the following words have the meanings indicated.</p> <p>(b) “Actual address” means a residential street address, school address, or work address of an individual, as specified on the individual's application to be a Program participant under this part.</p> <p>(c) “Disabled person” has the meaning stated in § 13-101 of the Estates and Trusts Article.</p> <p>(d) “Program” means the Address Confidentiality Program.</p> <p>(e) “Program participant” means a person designated as a Program participant under this part.</p> <p> These definitions apply to Maryland’s Domestic Violence Address Confidentiality</p>	<p>Md. Code Ann., Fam. Law § 4-519.</p>




<p>Program, Md. Code Ann., Fam. Law §§ 4-519 to 4-531. Some of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Victims’ Rights Regarding Public Records Request for 9-1-1 Communications that Depict a Victim Definitions.</p> <p>(1) In this section the following words have the meanings indicated.</p> <p>(2) “Victim” means:</p> <ul style="list-style-type: none"> (i) a victim of domestic violence, as defined under § 4-701 of the Family Law Article; (ii) a victim of a violation of Title 3, Subtitle 3 of the Criminal Law Article; or (iii) a victim of a violation of Title 3, Subtitle 6 of the Criminal Law Article, except for a violation of § 3-607 of the Criminal Law Article where the victim is an adult. <p>(3)(i) “Victim’s representative” has the meaning stated in § 11-104 of the Criminal Procedure Article.</p> <p>(ii) “Victim’s representative” does not include a person acting in concert with a person alleged to have committed the crime against the victim.</p> <p> These definitions apply to the General Provisions section of Maryland’s Code governing public records requests for 9-1-1 communications that depict a victim, Md. Code Ann., Gen. Prov. § 4-356. This statutory provision is included below in the section “Select Crime Victims’ Rights.”</p>	<p>Md. Code Ann., Gen. Prov. § 4-356(a).</p>



<p>SELECT CRIME VICTIMS' RIGHTS</p>	<p>Maryland Constitutional Provisions, Statutes and Rules</p>
<p>Victims' Right to be Treated with Dignity, Respect and Sensitivity; Victims' Rights to Information, to Notice, to Be Present, and To Be Heard; Rights' Violations Do Not Create Civil Cause of Action and Victims Have No Authority to Stay Proceedings.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p> Title 11 of the Maryland Code of Criminal Procedure contains the majority of the state's victims' rights provisions. Terms are defined throughout the Title. Many of the definitions are included above in the section "Select Definitions."</p> <p> By filing a completed notification request form or completing the system protocol established for Maryland's electronic court database, a victim or the victim's representative complies with the requirement of this constitutional provision that the victim or the victim's representative request notice. Md. Code Ann., Crim. Proc. § 11-104(e)(3).</p>	<p>Md. Const. Decl. of Rts. art. 47.</p>



<p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights through the notification registration process established in Md. Code Ann., Crim. Proc. § 11-104. This policy and procedure should be in addition to the statutory requirement that law enforcement, upon first contact with a victim or a victim’s representative, provide the victim or the victim’s representative with a pamphlet notifying victims and victims’ representatives of the rights, services, and procedures provided under Article 47 of the Maryland Declaration of Rights and state law. Md. Code Ann., Crim. Proc. § 11-104(b).</p>	
<p>Victims’ Right to Attend Proceedings.</p> <p>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.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights through the notification registration process established in Md. Code Ann., Crim. Proc. § 11-104. This policy and procedure should be in addition to the statutory requirement that law enforcement, upon first contact with a victim or a victim’s representative, provide the victim or the victim’s representative with a pamphlet notifying victims and victims’ representatives of the rights, services, and procedures provided under Article 47 of the Maryland Declaration of Rights and state law. Md. Code Ann., Crim. Proc. § 11-104(b).</p>	<p>Md. Code Ann., Crim. Proc. § 11-102(a).</p>
<p>Victims’ Rights as Employees.</p> <p>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.</p>	<p>Md. Code Ann., Crim. Proc. § 11-102(b).</p>



<p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, of this employment-related right.</p> <p> A promising practice is to have a policy and procedure in place to provide employers with this information.</p>	
<p>Denial of Victims' Rights; Appeals; Remedies for Rights' Violations.</p> <p>(b) Although not a party to a criminal or juvenile proceeding, a victim of a crime for which the defendant or child respondent is charged may file an application for leave to appeal to the Court of Special Appeals from an interlocutory order or appeal to the Court of Special Appeals from a final order that denies or fails to consider a right secured to the victim by subsection (e)(4) of this section, § 4-202 of this article, § 11-102 or § 11-104 of this subtitle, § 11-302, § 11-402, § 11-403, or § 11-603 of this title, § 3-8A-06, § 3-8A-13, or § 3-8A-19 of the Courts Article, or § 6-112 of the Correctional Services Article.</p> <p>(c) The filing of an application for leave to appeal under this section does not stay other proceedings in a criminal or juvenile case unless all parties consent.</p> <p>(d)(1) For purposes of this section, a victim's representative, including the victim's spouse or surviving spouse, parent or legal guardian, child, or sibling, may represent a victim of a crime who dies or is disabled. (2) If there is a dispute over who shall be the victim's representative, the court shall designate the victim's representative.</p> <p>(e)(1) In any court proceeding involving a crime against a victim, the court shall ensure that the victim is in fact afforded the rights provided to victims by law. (2) If a court finds that a victim's right was not considered or was denied, the court may grant the victim relief provided the remedy does not violate the constitutional right of a defendant or child respondent to be free from double jeopardy. (3) A court may not provide a remedy that modifies a sentence of incarceration of a defendant</p>	<p>Md. Code Ann., Crim. Proc. § 11-103(b)–(e).</p>

<p>or a commitment of a child respondent unless the victim requests relief from a violation of the victim’s right within 30 days of the alleged violation.</p> <p>(4)(i) A victim who alleges that the victim’s right to restitution under § 11-603 of this title was not considered or was improperly denied may file a motion requesting relief within 30 days of the denial or alleged failure to consider.</p> <p>(ii) If the court finds that the victim’s right to restitution under § 11-603 of this title was not considered or was improperly denied, the court may enter a judgment of restitution.</p> <p> The term “crime” used in this section is defined in Md. Code Ann., Crim. Proc. § 11-103(a). This definition is included above in the section “Select Definitions.”</p> <p> Other terms used in this section are defined in Md. Code Ann., Crim. Proc. § 11-101. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is that when notifying victims that they have standing to enforce their rights in court, to let them know that they may do so personally or with the assistance of an attorney. This notice should include an explanation of the different roles of a prosecuting attorney vs. an attorney hired by the victim to represent their interests and assert their rights.</p>	
<p>Law Enforcement’s Obligation to Provide Victims with Informational Pamphlet at First Contact.</p> <p>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.</p> <p> The terms used in this subsection are defined in Md. Code Ann., Crim. Proc. § 11-104(a). These definitions are included above in the section “Select Definitions.”</p>	<p>Md. Code Ann., Crim. Proc. § 11-104(b).</p>

<p> The pamphlet mentioned in this subsection contains information regarding victim registration with the Maryland Court of Appeals' system of electronic filing and case management and information regarding victims' rights and services during "the time before and after the filing of a charging document other than an indictment or information in circuit court." Md. Code Ann., Crim. Proc. § 11-914(9)(i).</p> <p> A promising practice is to have instructions regarding the notification registration process ready and available to be provided to all victims at first contact. Consideration should be given to providing written notice in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	
<p>Law Enforcement's Obligations Regarding Victim Notification Related to DNA Profiles.</p> <p>Unless to do so would impede or compromise an ongoing investigation or the victim's representative is a suspect or a person of interest in the criminal investigation of the crime involving the victim, on written request of a victim of a crime of violence as defined in § 14-101 of the Criminal Law Article or the victim's representative, the investigating law enforcement agency shall give the victim or the victim's representative timely notice as to:</p> <ul style="list-style-type: none"> (1) whether an evidentiary DNA profile was obtained from evidence in the case; (2) when any evidentiary DNA profile developed in the case was entered into the DNA database system; and (3) when any confirmed match of the DNA profile, official DNA case report, or DNA hit report is received. <p> The terms used in this subsection are defined in Md. Code Ann., Crim. Proc. § 11-104(a). These definitions are included above in the section "Select Definitions."</p>	<p>Md. Code Ann., Crim. Proc. § 11-104(c).</p>

 <p>A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p>	
<p>Prosecuting Attorneys’ Obligations Regarding Providing Informational Pamphlet and Notification Request Form to Victims.</p> <p>(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:</p> <ul style="list-style-type: none"> (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. <p>(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:</p> <ul style="list-style-type: none"> (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. <p>(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.</p>  <p>The terms used in this subsection are defined in Md. Code Ann., Crim. Proc. § 11-104(a).</p>	<p>Md. Code Ann., Crim. Proc. § 11-104(d).</p>

<p>These definitions are included above in the section “Select Definitions.”</p> <p> The pamphlet mentioned in this subsection contains information regarding victims’ rights and services during the “time after the filing of an indictment or information in circuit court.” Md. Code Ann., Crim. Proc. § 11-914(9)(ii).</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights through the notification registration process established in Md. Code Ann., Crim. Proc. § 11-104.</p>	
<p>Procedures for Victims to Request Notice: Request Form; MDEC System Protocol.</p> <p>(1) A victim or victim’s representative may:</p> <p>(i) file a completed notification request form with the prosecuting attorney; or</p> <p>(ii) follow the MDEC system protocol to request notice.</p> <p>(2)(i) If the jurisdiction has not implemented the MDEC system, the prosecuting attorney shall send a copy of the completed notification request form to the clerk of the circuit court or juvenile court.</p> <p>(ii) If the jurisdiction has implemented the MDEC system and the victim or victim’s representative has filed a completed notification request form, the prosecuting attorney shall electronically file the form with the clerk of the circuit court or juvenile court in the MDEC system.</p> <p>(3) By filing a completed notification request form or completing the MDEC system protocol, 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.</p> <p>(4) To keep the address and electronic mail address of a victim or victim’s representative confidential, the victim or victim’s representative shall:</p>	<p>Md. Code Ann., Crim. Proc. § 11-104(e).</p>

<p>(i) designate in the notification request form a person who has agreed to receive notice for the victim or victim’s representative; or</p> <p>(ii) request as part of the MDEC system protocol, without filing a motion to seal, that the address and electronic mail address remain confidential and available, as necessary to only:</p> <ol style="list-style-type: none"> 1. the court; 2. the prosecuting attorney; 3. the Department of Public Safety and Correctional Services; 4. the Department of Juvenile Services; 5. the attorney of the victim or victim’s representative; 6. the State’s Victim Information and Notification Everyday vendor; and 7. a commitment unit that a court orders to retain custody of an individual. <p> The terms used in this subsection are defined in Md. Code Ann., Crim. Proc. § 11-104(a). These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights through the notification registration process established in Md. Code Ann., Crim. Proc. § 11-104. This policy and procedure should be in addition to the statutory requirement that law enforcement, upon first contact with a victim or a victim’s representative, provide the victim or the victim’s representative with a pamphlet notifying victims and victims’ representatives of the rights, services, and procedures provided under Article 47 of the Maryland Declaration of Rights and state law. Md. Code Ann., Crim. Proc. § 11-104(b).</p>	
<p>Prosecuting Attorney’s Obligation to Provide the Victim or Victim’s Representative with Notice of Court Proceedings, the Terms of a Plea Agreement, the Right to Submit an Impact Statement and Information about the Status of the Case.</p> <p>(1) Unless provided by the MDEC system, 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</p>	<p>Md. Code Ann., Crim. Proc. § 11-104(f).</p>

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 or followed the MDEC system protocol under subsection (e) of this section.

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

(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 or followed the MDEC system protocol under subsection (e) 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 or followed the MDEC system protocol under subsection (e) 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.








The terms used in this subsection are defined in Md. Code Ann., Crim. Proc. § 11-104(a). These definitions are included above in the section "Select Definitions."









A promising practice is to have a policy and procedure in place to notify victims, at the



<p>first opportunity, that victims must “request” the exercise of certain rights through the notification registration process established in Md. Code Ann., Crim. Proc. § 11-104. This policy and procedure should be in addition to the statutory requirement that law enforcement, upon first contact with a victim or a victim’s representative, provide the victim or the victim’s representative with a pamphlet notifying victims and victims’ representatives of the rights, services, and procedures provided under Article 47 of the Maryland Declaration of Rights and state law. Md. Code Ann., Crim. Proc. § 11-104(b).</p>	
<p>Clerk of Court’s Obligation to Provide Victims with Copies of Certain Forms.</p> <p>If a victim or victim’s representative has filed a notification request form or followed the MDEC system protocol under subsection (e) of this section, the clerk of the circuit court or juvenile court:</p> <p>(1) shall include a copy of the form with any commitment order or probation order that is passed or electronically transmit the form or the registration information for the victim or the victim’s representative through the MDEC system; and</p> <p>(2) if an appeal is filed, shall send a copy of the form or electronically transmit the form or the registration information for the victim or the victim’s representative through the MDEC system to the Attorney General and the court to which the case has been appealed.</p> <p> The terms used in this subsection are defined in Md. Code Ann., Crim. Proc. § 11-104(a). These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights through the notification registration process established in Md. Code Ann., Crim. Proc. § 11-104. This policy and procedure should be in addition to the statutory requirement that law enforcement, upon first contact with a victim or a victim’s representative, provide the victim or the victim’s representative with a pamphlet notifying victims and victims’ representatives of the rights,</p>	<p>Md. Code Ann., Crim. Proc. § 11-104(g).</p>



<p>services, and procedures provided under Article 47 of the Maryland Declaration of Rights and state law. Md. Code Ann., Crim. Proc. § 11-104(b).</p>	
<p>Victims' Right to File Notification Request Form to Unit in Which a Defendant Has Been Committed.</p> <p>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.</p> <p> The terms used in this subsection are defined in Md. Code Ann., Crim. Proc. § 11-104(a). These definitions are included above in the section "Select Definitions."</p>	<p>Md. Code Ann., Crim. Proc. § 11-104(h).</p>
<p>Victims' Right to Discontinue Further Notices.</p> <p>(1) After filing a notification request form under subsection (e) of this section, a victim or victim's representative may discontinue further notices by filing a written request with:</p> <ul style="list-style-type: none"> (i) the prosecuting attorney, if the case is still in a circuit court or juvenile court; or (ii) the unit to which the defendant or child respondent has been committed, if a commitment order has been issued in the case. <p>(2) After following the MDEC system protocol for electronic notices, a victim or victim's representative may discontinue further notices by following the MDEC system protocol to terminate notice.</p> <p> The terms used in this subsection are defined in Md. Code Ann., Crim. Proc. § 11-104(a). These definitions are included above in the section "Select Definitions."</p>	<p>Md. Code Ann., Crim. Proc. § 11-104(i).</p>

<p>Victims' Right to Apply for a Statement of Charges and Request Reasonable Protections.</p> <p>On a finding of probable cause and before the issuance of an arrest warrant or a summons, a judicial officer shall provide to an individual filing an application for a statement of charges under Maryland Rule 4-211(b) an opportunity to request reasonable protections for the safety of an alleged victim or the victim's family.</p>	<p>Md. Code Ann., Crim. Proc. § 11-105.</p>
<p>Victims' Right to Request HIV or Hepatitis C Testing.</p> <p>In addition to testing allowed under § 11-112 of this subtitle, the court may order a person charged with a prohibited exposure to give a blood sample to be tested for the presence of HIV or hepatitis C if:</p> <ol style="list-style-type: none"> (1) the person is charged with a prohibited exposure within 1 year after the prohibited exposure occurred; (2) a victim or victim's representative requests the testing in writing to the State's Attorney in the county where the prohibited exposure occurred; and (3) the court finds probable cause to believe that a prohibited exposure occurred. <p> The terms used in this section are defined in Md. Code Ann., Crim. Proc. § 11-107. These definitions are included above in the section "Select Definitions."</p> <p> Victims have the right to be present at a hearing regarding an order to compel HIV or hepatitis C testing. Md. Code Ann., Crim. Proc. § 11-111.</p> <p> For information on emergency orders to compel HIV testing, <i>see</i> Md. Code Ann., Crim. Proc. § 11-110.1. Victims have a right to immediate access to the results of such testing. <i>Id.</i></p>	<p>Md. Code Ann., Crim. Proc. § 11-110.</p>

<p>at § 11-110.1(d)(1).</p> <p> For information regarding a victim’s right to request HIV or hepatitis C testing after a defendant’s conviction or grant of probation before judgment, <i>see</i> Md. Code Ann., Crim. Proc. § 11-112.</p> <p> For information regarding collection and testing of the defendant’s blood, as well as notification of the results to the victim or the victim’s representative, <i>see</i> Md. Code Ann., Crim. Proc. § 11-113.</p>	
<p>Victims’ Right to Disclose Results of HIV or Hepatitis Testing to Another to Protect Health and Safety or to Seek Compensation.</p> <p>(a) A victim or victim’s representative who receives notification under § 11-113(b) of this subtitle may disclose the results of the test to another person to protect the health and safety of, or to seek compensation for, the victim, the victim’s sexual partner, or the victim’s family.</p> <p>(b)(1) Except as otherwise provided in Part II of this subtitle, a person who receives notification or disclosure of the results of the test under subsection (a) of this section may not knowingly disclose the results of that test.</p> <p>(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$5,000 or both.</p> <p> The terms used in this section are defined in Md. Code Ann., Crim. Proc. § 11-107. These definitions are included above in the section “Select Definitions.”</p>	<p>Md. Code Ann., Crim. Proc. § 11-114.</p>
<p>The Right of a Victim of Assault to Agree to Dismissal of Charges.</p> <p>A victim of an assault has the rights provided under § 3-207 of the Criminal Law Article.</p>	<p>Md. Code Ann., Crim. Proc. § 11-201.</p>

<p> Under Md. Code Ann., Crim. Law § 3-207(a), “[o]n a pretrial motion of the State, a court may dismiss a charge of assault if: (1) the victim and the defendant agree to the dismissal; and (2) the court considers the dismissal proper.”</p>	
<p>Victims’ Right to Protection Pretrial.</p> <p>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:</p> <p>(1) the safety of the alleged victim in setting conditions of:</p> <p>(i) the pretrial release of a defendant; or</p> <p>(ii) the prehearing release of a child respondent who is alleged to have committed a delinquent act; and</p> <p>(2) a condition of no contact with the alleged victim or the alleged victim’s premises or place of employment.</p> <p> Under Md. Code Ann., Crim. Proc. § 5-201, the court must consider including reasonable protections for a victim’s safety as a condition of pretrial release. Md. Code Ann., Crim. Proc. § 5-201(1). Where a victim has requested reasonable safety protections, the court must consider including, as a condition of pretrial release, provisions ordering no contact with the victim, the victim’s premises or place of employment. <i>Id.</i> at § 5-201(2).</p> <p> Some of the terms used in this section are defined in Md. Code Ann., Crim. Proc. § 11-101. These definitions are included above in the section “Select Definitions.”</p>	<p>Md. Code Ann., Crim. Proc. § 11-203.</p>

<p>Victims' Right to Notice of a Defendant's Competence Examination.</p> <p>As provided under § 3-122 of this article, the Maryland Department of Health 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.</p> <p> The term "crime of violence," as used this section, is defined in Md. Code Ann., Crim. Proc. § 11-101. These definitions are included above in the section "Select Definitions."</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights through the notification registration process established in Md. Code Ann., Crim. Proc. § 11-104. This policy and procedure should be in addition to the statutory requirement that law enforcement, upon first contact with a victim or a victim's representative, provide the victim or the victim's representative with a pamphlet notifying victims and victims' representatives of the rights, services, and procedures provided under Article 47 of the Maryland Declaration of Rights and state law. Md. Code Ann., Crim. Proc. § 11-104(b).</p>	<p>Md. Code Ann., Crim. Proc. § 11-204.</p>
<p>Victims' Right to the Nondisclosure of Address or Telephone Number Pretrial.</p> <p>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.</p>	<p>Md. Code Ann., Crim. Proc. § 11-205.</p>

 A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.	
<p>Victims’ Right to the Nondisclosure of Address or Telephone Number During Trial.</p> <p>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.</p>  A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.	<p>Md. Code Ann., Crim. Proc. § 11-301.</p>
<p>Victims’ Right to be Present at Trial; Sequestration.</p> <p>(b) This section applies to:</p> <ul style="list-style-type: none"> (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. <p>(c) Except as provided in subsections (d) and (e) of this section:</p> <ul style="list-style-type: none"> (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. <p>(d) 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</p>	<p>Md. Code Ann., Crim. Proc. § 11-302(b)–(g).</p>

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) 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) 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) 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.



The terms used in this section is defined in Md. Code Ann., Crim. Proc. § 11-302(a). These definitions are included above in the section "Select Definitions."



Victims' constitutional right to be present should provide for the victims' presence during the entirety of the trial. Even if the victim is to be a witness and the court concludes that the victim's presence would "influence the victim's or representative's future testimony in a manner that would materially affect" a defendant's rights, consider discussing with the prosecutor the possibility of the victim testifying first to best ensure the victim's right to be present during the entirety of the trial.

<p>Inclusion of Victim Impact Statement in Presence Investigation.</p> <p>(a) 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:</p> <p>(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</p> <p>(2) the defendant caused serious physical injury or death to the victim in committing a misdemeanor.</p> <p>(b) 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.</p> <p>(c)(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.</p> <p>(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.</p> <p>(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.</p> <p>(d) 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.</p> <p>(e) A victim impact statement for a crime or delinquent act shall:</p> <p>(1) identify the victim;</p> <p>(2) itemize any economic loss suffered by the victim;</p>	<p>Md. Code Ann., Crim. Proc. § 11-402.</p>
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- (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, including a request for electronic monitoring or electronic monitoring with victim stay-away alert technology; and
- (7) contain any other information related to the impact on the victim or the victim's family that the court requires.

(f) 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.




The term "victim's representative," as used in this section, is defined in Md. Code Ann., Crim. Proc. § 11-401. This definition is included above in the section "Select Definitions."




Other terms used in this section are defined in Md. Code Ann., Crim. Proc. § 11-101. These definitions are included above in the section "Select Definitions."





A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights through the notification registration process established in Md. Code Ann., Crim. Proc. § 11-104. This policy and procedure should be in addition to the statutory requirement that law enforcement, upon first contact with a victim or a victim's representative, provide the victim or the victim's representative with a pamphlet notifying victims and victims' representatives of the rights, services, and procedures provided under Article 47 of the Maryland Declaration of Rights and state law. Md. Code Ann., Crim. Proc. § 11-104(b).


 <p>A promising practice is to ensure that: (1) officers working with victims are aware that victims may submit an impact statement to the court even if they have not submitted a notification request form; and (2) officers communicate this information to victims when describing notification registration.</p>	
<p>Victims' Right to Be Heard at Sentencing.</p> <p>(a) 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.</p> <p>(b) In the sentencing or disposition hearing 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:</p> <p>(1) at the request of the prosecuting attorney;</p> <p>(2) at the request of the victim or the victim's representative; or</p> <p>(3) if the victim has filed a notification request form under § 11-104 of this title.</p> <p>(c)(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.</p> <p>(2) The cross-examination is limited to the factual statements made to the court.</p> <p>(d)(1) A victim or the victim's representative has the right not to address the court at the sentencing or disposition hearing.</p> <p>(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.</p> <p>(e)(1) If the victim or the victim's representative fails to appear at a hearing on a motion for a revision, modification, or reduction of a sentence or disposition in circuit court or juvenile court, the prosecuting attorney shall state on the record that proceeding without the appearance of the victim or the victim's representative is justified because:</p>	<p>Md. Code Ann., Crim. Proc. § 11-403.</p>




(i) the victim or victim’s representative was contacted by the prosecuting attorney and waived the right to attend the hearing;
 (ii) efforts were made to contact the victim or the victim’s representative and, to the best knowledge and belief of the prosecuting attorney, the victim or victim’s representative cannot be located; or
 (iii) the victim or victim’s representative has not filed a notification request form under § 11-104 of this title.
 (2) If the court is not satisfied by the statement that proceeding without the appearance of the victim or the victim’s representative is justified, or, if no statement is made, the court may postpone the hearing.
 (f) 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.


 The term “victim’s representative,” as used in this section, is defined in Md. Code Ann., Crim. Proc. § 11-401. This definition is included above in the section “Select Definitions.”

 Other terms used in this section are defined in Md. Code Ann., Crim. Proc. § 11-101. These definitions are included above in the section “Select Definitions.”

 A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights through the notification registration process established in Md. Code Ann., Crim. Proc. § 11-104. This policy and procedure should be in addition to the statutory requirement that law enforcement, upon first contact with a victim or a victim’s representative, provide the victim or the victim’s representative with a pamphlet notifying victims and victims’ representatives of the rights, services, and procedures provided under Article 47 of the Maryland Declaration of Rights and state law. Md. Code Ann., Crim. Proc. § 11-104(b).

 <p>A promising practice is to be familiar with the acceptable formats for victim impact statements so that victims can be informed about all of their options. Depending on your jurisdiction's law, victims may choose to: (1) read or speak their impact statement aloud at the sentencing proceeding, or have another person do it for them; (2) submit a written victim impact statement to the court in advance of sentencing; (3) provide an impact statement using technology to facilitate remote attendance; and/or (4) play or submit an impact statement that was created using audio and video technology.</p>	
<p>Victims' Right to Notice of Postsentencing Proceedings.</p> <p>(b) 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(f) of this title if:</p> <p>(1) before the State's Attorney distributes notification request forms under § 11-104(d) 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</p> <p>(2) after the State's Attorney distributes notification request forms under § 11-104(d) of this title, the victim or victim's representative submits a notification request form in accordance with § 11-104(e) of this title.</p> <p>(c)(1) The State's Attorney's office shall:</p> <p>(i) notify the victim or victim's representative of all appeals to the Court of Special Appeals and the Court of Appeals; and</p> <p>(ii) send an information copy of the notification to the Office of the Attorney General.</p> <p>(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:</p> <p>(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</p> <p>(ii) send an information copy of the notification to the State's Attorney's office.</p> <p>(d) A notice sent under this section shall include the date, the time, the location, and a brief</p>	<p>Md. Code Ann., Crim. Proc. § 11-503(b)-(d).</p>

<p>description of the subsequent proceeding.</p> <p> The term “subsequent proceeding,” as used in this section, is defined in Md. Code Ann., Crim. Proc. § 11-503(a). This definition is included above in the section “Select Definitions.”</p> <p> Other terms used in this section are defined in Md. Code Ann., Crim. Proc. §§ 11-101 and 11-501. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights through the notification registration process established in Md. Code Ann., Crim. Proc. § 11-104. This policy and procedure should be in addition to the statutory requirement that law enforcement, upon first contact with a victim or a victim’s representative, provide the victim or the victim’s representative with a pamphlet notifying victims and victims’ representatives of the rights, services, and procedures provided under Article 47 of the Maryland Declaration of Rights and state law. Md. Code Ann., Crim. Proc. § 11-104(b).</p>	
<p>Victims’ Right to Notice and Opportunity to Be Heard Regarding Defendant’s Grant of Work Release or Leave of Absence.</p> <p>(a) 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.</p> <p>(b)(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</p>	<p>Md. Code Ann., Crim. Proc. § 11-504.</p>

<p>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.</p> <p> Terms used in this section are defined in Md. Code Ann., Crim. Proc. §§ 11-101 and 11-501. These definitions are included above in the section “Select Definitions.”</p>	
<p>Victims’ Right to Notice of Parole Release Hearings, Parole Violations or Commutations, Pardons, or Remission of Sentence.</p> <p>(a) This section applies to a victim or victim’s representative who:</p> <p>(1) has made a written request to the Department for notification under § 7-801(b)(1)(ii) of the Correctional Services Article; or</p> <p>(2) has filed a notification request form under § 11-104 of this title.</p> <p>(b)(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.</p> <p>(2) At a parole release hearing, a victim or victim’s representative has the rights provided under § 7-304 of the Correctional Services Article.</p> <p>(c)(1) Whenever a person who was convicted of a crime is found in 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.</p> <p>(2) Whenever a warrant or subpoena is issued for a person who was convicted of a crime 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.</p> <p>(d) Whenever a person who is sentenced is considered for a commutation, pardon, or remission of sentence:</p> <p>(1) the Department shall notify the victim or victim’s representative as provided under § 7-805(a) and (e) of the Correctional Services Article; and</p> <p>(2) a victim or victim’s representative has the additional rights regarding submission and</p>	<p>Md. Code Ann., Crim. Proc. § 11-505.</p>

consideration of a victim impact statement provided under § 7-805(b) and (c) of the Correctional Services Article.

(e)(1) Whenever a person convicted of a crime is found in violation of 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 crime 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) 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.






Terms used in this section are defined in Md. Code Ann., Crim. Proc. §§ 11-101 and 11-501. These definitions are included above in the section "Select Definitions."





Title 7 of Maryland's Correctional Services Article governs victims' rights related parole, such as the right to notice of parole violations and changes in an offender's release status. *See generally*, Md. Code Ann., Corr. Servs. §§ 7-801 to 7-805.



A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights through the notification registration process established in Md. Code Ann., Crim. Proc. § 11-104 and § 7-304 of the Correctional Services Article. This policy and procedure should be in addition to the statutory requirement that law enforcement, upon first contact with a victim or a victim's representative, provide the victim or the victim's representative with a pamphlet notifying victims and victims' representatives of the rights, services, and procedures provided under Article 47 of the Maryland Declaration of Rights and state law. Md. Code Ann., Crim. Proc. § 11-104(b).

<p>Victims' Rights After a Defendant is Found Not Criminally Responsible.</p> <p>Whenever a person has been committed to the Maryland Department of Health 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 Maryland Department of Health 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.</p> <p> Terms used in this section are defined in Md. Code Ann., Crim. Proc. §§ 11-101 and 11-501. These definitions are included above in the section "Select Definitions."</p> <p> Md. Code Ann., Crim. Proc. § 3-123 governs victims' rights and treatment in criminal cases where a defendant is found incompetent or not criminally responsible.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights through the notification registration process established in Md. Code Ann., Crim. Proc. § 11-104. This policy and procedure should be in addition to the statutory requirement that law enforcement, upon first contact with a victim or a victim's representative, provide the victim or the victim's representative with a pamphlet notifying victims and victims' representatives of the rights, services, and procedures provided under Article 47 of the Maryland Declaration of Rights and state law. Md. Code Ann., Crim. Proc. § 11-104(b).</p>	<p>Md. Code Ann., Crim. Proc. § 11-506.</p>
<p>Victims' Right to Notification of a Probation Violation.</p> <p>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:</p> <p>(1) a warrant, subpoena, or writ of attachment is issued for the alleged violation for a person</p>	<p>Md. Code Ann., Crim. Proc. § 11-507.</p>

<p>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</p> <p>(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.</p> <p> Terms used in this section are defined in Md. Code Ann., Crim. Proc. §§ 11-101 and 11-501. These definitions are included above in the section "Select Definitions."</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights through the notification registration process established in Md. Code Ann., Crim. Proc. § 11-104. This policy and procedure should be in addition to the statutory requirement that law enforcement, upon first contact with a victim or a victim's representative, provide the victim or the victim's representative with a pamphlet notifying victims and victims' representatives of the rights, services, and procedures provided under Article 47 of the Maryland Declaration of Rights and state law. Md. Code Ann., Crim. Proc. § 11-104(b).</p>	
<p>Victims' Right to Notice of a Defendant's Release from Confinement.</p> <p>(b) This section applies to a victim or victim's representative who has submitted a notification request form under § 11-104 of this title.</p> <p>(c) 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.</p> <p>(d) On receipt of a notification request form under § 11-104(g)(1) or (h) 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:</p> <p>(1) receipt of the notification request form;</p>	<p>Md. Code Ann., Crim. Proc. § 11-508.</p>

- (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) 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) 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) 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.







Terms used in this section are defined in Md. Code Ann., Crim. Proc. §§ 11-101 and 11-501. These definitions are included above in the section "Select Definitions."



A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights through the notification registration process established in Md. Code Ann., Crim. Proc. § 11-104. This policy and procedure should be in addition to the statutory requirement that law enforcement, upon first contact with a victim or a victim's representative, provide the victim or the victim's

<p>representative with a pamphlet notifying victims and victims' representatives of the rights, services, and procedures provided under Article 47 of the Maryland Declaration of Rights and state law. Md. Code Ann., Crim. Proc. § 11-104(b).</p>	
<p>Victims' Presumed Right to Restitution.</p> <p>(a) A court may enter a judgment of restitution that orders a defendant or child respondent to make restitution in addition to any other penalty for the commission of a crime or delinquent act, if:</p> <p>(1) as a direct result of the crime or delinquent act, property of the victim was stolen, damaged, destroyed, converted, or unlawfully obtained, or its value substantially decreased;</p> <p>(2) as a direct result of the crime or delinquent act, the victim suffered:</p> <p>(i) actual medical, dental, hospital, counseling, funeral, or burial expenses or losses;</p> <p>(ii) direct out-of-pocket loss;</p> <p>(iii) loss of earnings; or</p> <p>(iv) expenses incurred with rehabilitation;</p> <p>(3) the victim incurred medical expenses that were paid by the Maryland Department of Health or any other governmental unit;</p> <p>(4) a governmental unit incurred expenses in removing, towing, transporting, preserving, storing, selling, or destroying an abandoned vehicle as defined in § 25-201 of the Transportation Article;</p> <p>(5) the Criminal Injuries Compensation Board paid benefits to a victim; or</p> <p>(6) the Maryland Department of Health or other governmental unit paid expenses incurred under Subtitle 1, Part II of this title.</p> <p>(b) A victim is presumed to have a right to restitution under subsection (a) of this section if:</p> <p>(1) the victim or the State requests restitution; and</p> <p>(2) the court is presented with competent evidence of any item listed in subsection (a) of this section.</p> <p>(c)(1) A judgment of restitution does not preclude the property owner or the victim who</p>	<p>Md. Code Ann., Crim. Proc. § 11-603.</p>

<p>suffered personal physical or mental injury, out-of-pocket loss of earnings, or support from bringing a civil action to recover damages from the restitution obligor.</p> <p>(2) A civil verdict shall be reduced by the amount paid under the criminal judgment of restitution.</p> <p>(d) In making a disposition on a finding that a child at least 13 years old has committed an act of graffiti under § 6-301(d) of the Criminal Law Article, the court shall order the child to perform community service or pay restitution or both.</p> <p> A victim's right to restitution is fleshed out in other statutory provisions under the same subtitle. <i>See, e.g.</i>, Md. Code Ann., Crim. Proc. § 11-602 (persons who may act on behalf of the victim for restitution purposes); <i>id.</i> at § 11-605 (when restitution need not be ordered); <i>id.</i> at § 11-606 (recipients of restitution); <i>id.</i> at § 11-607 (compliance with restitution judgment); <i>id.</i> at 11-608 (enforcement of restitution judgment); <i>id.</i> at § 11-609 (judgment of restitution by circuit court); <i>id.</i> at § 11-610 (judgment of restitution by district court); <i>id.</i> at § 11-612 (termination of probation before restitution has been recorded); <i>id.</i> at § 11-614 (state's attorney's responsibility for notifying victims of right to restitution and assisting in restitution requests and collection); <i>id.</i> at § 11-615 (legally sufficient evidence at restitution hearing); <i>id.</i> at § 11-617 (immediate and continuing earnings withholding orders).</p> <p> Victims should be informed that they are entitled to restitution upon the conviction of defendant for losses caused by defendant's criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p>Transportation of Sexual Assault Victims to Designated Facilities; Law Enforcement's Obligation to Offer Victims the Opportunity to be Taken to Such Facilities.</p> <p>(a) The nearest facility to which a victim of sexual assault may be taken shall be designated by the Maryland Department of Health in cooperation with:</p> <p>(1) the Medical and Chirurgical Faculty of the State of Maryland; and</p>	<p>Md. Code Ann., Crim. Proc. § 11-924</p>

<p>(2) the State’s Attorney in the subdivision where the sexual assault occurred.</p> <p>(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.</p> <p>(2) The offer shall be made without regard for the place of the alleged sexual assault or where it is reported.</p> <p> For the purposes of this section, “sexual assault” means rape or a sexual offense in any degree that is specified in Md. Code Ann., Crim. Proc. §§ 3-303 through 3-310, § 3-314, or § 3-315 of the Criminal Law Article. Md. Code Ann., Crim. Proc. § 11-922.</p> <p> For information about Maryland’s sexual assault crisis programs, including underlying legislative findings and purposes, <i>see</i> Md. Code Ann., Crim. Proc. § 11-923.</p>	
<p>Victims’ Rights and Law Enforcement’s Obligations Regarding Sexual Assault Evidence Collection Kits.</p> <p>(a)(1) In this section the following words have the meanings indicated.</p> <p>(2) “Child advocacy center” has the meaning stated in § 13-2201 of the Health—General Article.</p> <p>(3) “Hospital” has the meaning stated in § 19-301 of the Health—General Article.</p> <p>(b) A health care provider that performs a sexual assault evidence collection kit exam on a victim of sexual assault shall provide the victim with:</p> <p>(1) contact information for the investigating law enforcement agency that the victim may contact about the status and results of the kit analysis; and</p> <p>(2) written information describing the laws and policies governing the testing, preservation, and disposal of a sexual assault evidence collection kit.</p> <p>(c) An investigating law enforcement agency that receives a sexual assault evidence</p>	<p>Md. Code Ann., Crim. Proc. § 11-926.</p>

<p>collection kit, within 30 days after a request by the victim from whom the evidence was collected, shall provide the victim with:</p> <ul style="list-style-type: none"> (1) information about the status of the kit analysis; and (2) all available results of the kit analysis except results that would impede or compromise an ongoing investigation. <p>(d)(1) A sexual assault evidence collection kit shall be transferred to a law enforcement agency:</p> <ul style="list-style-type: none"> (i) by a hospital or a child advocacy center within 30 days after the exam is performed; or (ii) by a government agency in possession of a kit, unless the agency is otherwise required to retain the kit by law or court rule. <p>(2) Except as provided in paragraph (3) of this subsection, within 20 years after the evidence is collected, a law enforcement agency may not destroy or dispose of:</p> <ul style="list-style-type: none"> (i) a sexual assault evidence collection kit; or (ii) other crime scene evidence relating to a sexual assault that has been identified by the State's Attorney as relevant to prosecution. <p>(3) A law enforcement agency is not required to comply with the requirements in paragraph (2) of this subsection if:</p> <ul style="list-style-type: none"> (i) the case for which the evidence was collected resulted in a conviction and the sentence has been completed; or (ii) all suspects identified by testing a sexual assault evidence collection kit are deceased. <p>(4) On written request by the victim from whom the evidence was collected, a law enforcement agency with custody of a sexual assault evidence collection kit or other crime scene evidence relating to a sexual assault shall:</p> <ul style="list-style-type: none"> (i) notify the victim no later than 60 days before the date of intended destruction or disposal of the evidence; or (ii) retain the evidence for 12 months longer than the time period specified in paragraph (2) of this subsection or for a time period agreed to by the victim and the law enforcement agency. <p>(e) A sexual assault evidence collection kit shall be submitted to a forensic laboratory for analysis unless:</p> <ul style="list-style-type: none"> (1) there is clear evidence disproving the allegation of sexual assault; 	
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(2) the facts alleged, if true, could not be interpreted to violate a provision of Title 3, Subtitle 2, Title 3, Subtitle 3, Title 3, Subtitle 6, or Title 11, Subtitle 3 of the Criminal Law Article;

(3) the victim from whom the evidence was collected declines to give consent for analysis;

or

(4) the suspect's profile has been collected for entry as a convicted offender for a qualifying offense in the Combined DNA Index System (CODIS) maintained by the Federal Bureau of Investigation and the suspect has pleaded guilty to the offense that led to the sexual assault evidence collection kit.

(f)(1) If a victim of sexual assault wishes to remain anonymous and not file a criminal complaint, the victim shall be informed that the victim may file a criminal complaint at a future time.

(2) If a provision of subsection (e) of this section is determined to be satisfied after the submission of the victim's sexual assault evidence collection kit for analysis, testing may be terminated or not initiated.

(g) Except as provided in subsection (e) of this section, an investigating law enforcement agency that receives a sexual assault evidence collection kit shall:



(1) submit the kit and all requested associated reference standards to a forensic laboratory for analysis within 30 days of receipt of the kit and all requested associated reference standards; and

(2) make use of certified sexual assault crisis programs or other qualified community-based sexual assault victim service organizations that can provide services and support to survivors of sexual assault.



(h)(1)(i) A forensic laboratory that receives a sexual assault evidence collection kit and all requested associated reference standards for analysis shall determine suitability and complete screening, testing, and analysis in a timely manner.





(ii) Failure to complete the screening, testing, and analysis in a timely manner as required in subparagraph (i) of this paragraph may not constitute the basis for excluding the analysis or results as evidence in a criminal proceeding.

(2) Forensic laboratories shall report annually to the Maryland Sexual Assault Evidence Kit Policy and Funding Committee regarding the duration required to complete testing,

<p>beginning with receipt of the kit until a report is prepared, of each sexual assault evidence collection kit.</p> <p>(i)(1) The eligible results of an analysis of a sexual assault evidence collection kit shall be entered into CODIS.</p> <p>(2) The DNA collected from a victim under this section may not be used for any purpose except as authorized by this section.</p> <p>(j) The Attorney General shall adopt regulations for uniform statewide implementation of this section.</p> <p> For the purposes of this section, “sexual assault” means rape or a sexual offense in any degree that is specified in Md. Code Ann., Crim. Proc. §§ 3-303 through 3-310, § 3-314, or § 3-315 of the Criminal Law Article. Md. Code Ann., Crim. Proc. § 11-922.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p>	
<p>Guidelines for Treatment of Crime Victims, Victims’ Representatives and Witnesses; Law Enforcement’s Obligation to Inform Victim of Guidelines; Availability of Guidelines.</p> <p>(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.</p> <p>(b) A victim of a crime, victim’s representative, or witness:</p> <p>(1) should be treated with dignity, respect, courtesy, and sensitivity;</p> <p>(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;</p>	<p>Md. Code. Ann., Crim. Proc. § 11-1002.</p>

<p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(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:</p> <ul style="list-style-type: none"> (i) bail hearing; (ii) dismissal; (iii) nolle prosequi; (iv) setting of charges; (v) trial; and 	
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<p>(vi) disposition;</p> <p>(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:</p> <p>(i) sentencing before the imposition of the sentence; or</p> <p>(ii) any hearing to consider altering the sentence;</p> <p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(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</p> <p>(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.</p> <p>(c)(1) The Department shall make the guidelines in subsection (b) of this section available to the units involved with carrying out the guidelines.</p> <p>(2) To the extent feasible, the guidelines in subsection (b) of this section shall be printed by Maryland Correctional Enterprises.</p> <p> The terms used in this section are defined in Md. Code Ann., Crim. Proc. § 11-1001. These definitions are included above in the section “Select Definitions.”</p> <p> Nothing in this section gives rise to a cause of action on behalf of the victim or the victim’s representative 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. Md. Code Ann., Crim. Proc. § 11-1004.</p>	
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<p> A promising practice is to provide victims with this information as soon as possible. Consideration should be given to providing written notice in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p> <p> A promising practice is to have a policy and procedure in place that clearly defines what “promptly” means in the context of the victim’s right to return of property. Instructions should be ready and available to provide to victims, explaining how they may promptly obtain their property, and including the name of a person they may contact to check the status of the return.</p>	
<p>Designation of Parties: Victims and Victims’ Representatives.</p> <p>Although not a party to a criminal or juvenile proceeding, a victim of a crime or a delinquent act or a victim’s representative may: (1) file an application for leave to appeal to the Court of Special Appeals from an interlocutory or a final order under Code, Criminal Procedure Article, § 11-103 and Rule 8-204; or (2) participate in the same manner as a party regarding the rights of the victim or victim’s representative.</p> <p> For information about service and notice to attorneys for victims and victims’ representatives regarding the rights of victims and representatives, <i>see</i> Md. Rules, R. 1-326.</p> <p> A promising practice is that when notifying victims that they have standing to enforce their rights in court, to let them know that they may do so personally or with the assistance of an attorney. This notice should include an explanation of the different roles of a prosecuting attorney vs. an attorney hired by the victim to represent their interests and assert their rights.</p>	<p>Md. Rules, R. 8-111(c).</p>
<p>Proceedings Regarding Victims and Victims’ Representatives.</p>	<p>Md. Rules, R. 1-326.</p>

(a) An attorney may enter an appearance on behalf of a victim or a victim's representative in a proceeding under Title 4, Title 8, or Title 11 of these Rules for the purpose of representing the rights of the victim or victim's representative.

(b) A party shall serve, pursuant to Rule 1-321 on counsel for a victim or a victim's representative, copies of all pleadings or papers that relate to: (1) the right of the victim or victim's representative to be informed regarding the criminal or juvenile delinquency case, (2) the right of the victim or victim's representative to be present and heard at any hearing, or (3) restitution. Any additional pleadings and papers shall be served only if the court directs.

(c) The clerk shall (1) send to counsel for a victim or victim's representative a copy of any court order relating to the rights of the victim referred to in section (b) of this Rule and (2) notify counsel for a victim or a victim's representative of any hearing that may affect the rights of the victim or victim's representative.



“This Rule does not abrogate any obligation to provide certain notices to victims and victims' representatives required by statute or by other Rule.” Md. Rules, R. 1-326 Committee Note.





The term “victim” used in this rule is defined in Md. Code Ann., Cts. & Jud. Proc. § 3-8A-01. This definition is included above in the section “Select Definitions.”



A promising practice is that when notifying victims that they have standing to enforce their rights in court, to let them know that they may do so personally or with the assistance of an attorney. This notice should include an explanation of the different roles of a prosecuting attorney vs. an attorney hired by the victim to represent their interests and assert their rights.

<p>Human Trafficking Address Confidentiality Program Eligibility and Applications.</p> <p>(a) The following individuals may apply to participate in the Program:</p> <ul style="list-style-type: none"> (1) an individual acting on the individual's own behalf; (2) a parent or guardian acting on behalf of a minor who resides with the parent or guardian; <p>or</p> <ul style="list-style-type: none"> (3) a guardian acting on behalf of a disabled person. <p>(b) An application to participate in the Program shall be in the form required by the Secretary of State and shall contain:</p> <ul style="list-style-type: none"> (1) a statement that: <ul style="list-style-type: none"> (i) the applicant is a victim of human trafficking; and (ii) the applicant fears for the applicant's safety or the safety of the applicant's child; (2) evidence that the applicant is a victim of human trafficking, including: <ul style="list-style-type: none"> (i) certified law enforcement, court, or other federal or State agency records or files; (ii) documentation from a human trafficking prevention or assistance program; or (iii) documentation from a religious, medical, or other professional from whom the applicant has sought assistance or treatment as a victim of human trafficking; (3) a statement that disclosure of the applicant's actual address would endanger the applicant's safety or the safety of the applicant's child; (4) a knowing and voluntary designation of the Secretary of State as agent for purposes of service of process and receipt of first-class, certified, or registered mail; (5) the mailing address and telephone number at which the applicant may be contacted by the Secretary of State; (6) the actual address that the applicant requests not be disclosed by the Secretary of State because it would increase the risk of human trafficking or other crimes; (7) a sworn statement by the applicant that, to the best of the applicant's knowledge, all the information contained in the application is true; (8) the signature of the applicant and the date on which the applicant signed the application; <p>and</p> <ul style="list-style-type: none"> (9) a voluntary release and waiver of all future claims against the State that may arise from participation in the Program except for a claim based on gross negligence. 	<p>Md. Code Ann., State Gov't § 7-304.</p>
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<p>(c)(1)(i) On the filing of a properly completed application and release, the Secretary of State shall:</p> <ol style="list-style-type: none"> 1. review the application and release; and 2. if the application and release are properly completed and accurate, designate the applicant as a Program participant. <p>(ii) An applicant shall be a participant for 4 years from the date of filing unless the participation is canceled or withdrawn prior to the end of the 4-year period.</p> <p>(2) A Program participant may withdraw from participation by filing a signed, notarized request for withdrawal with the Secretary of State.</p> <p> The terms used in this subsection are defined in Md. Code Ann., State Gov't § 7-301. These definitions are included above in the section "Select Definitions."</p> <p> Additional information about the Human Trafficking Victims Address Confidentiality Program is contained in other statutory provisions. <i>See, e.g.</i>, Md. Code Ann., State Gov't § 7-302 (purpose); <i>id.</i> at § 7-306 (name changes or changes in address or telephone number of participants); <i>id.</i> at § 7-307 (cancellation of participation); <i>id.</i> at § 7-308 (request to use substitute address); <i>id.</i> at § 7-309 (use of actual address for election-related purposes); <i>id.</i> at § 7-310 (participant's actual address and telephone number not a public record); <i>id.</i> at § 7-311 (prohibition on obtaining participant's address or phone number without authorization).</p>	
<p>Human Trafficking Address Confidentiality Program Request to Use Substitute Address.</p> <p>(a)(1) A Program participant may make a request to any person or State or local agency to use a substitute address designated by the Secretary of State as the Program participant's address.</p> <p>(2) Subject to subsections (b) and (d) of this section, when a Program participant has made a request to a person or State or local agency under this subsection, the person or agency shall use the substitute address designated by the Secretary of State as the Program participant's address.</p>	<p>Md. Code Ann., State Gov't §7-308.</p>

(b)(1)(i) When a Program participant presents the address designated by the Secretary of State to any person, that address must be accepted as the address of the Program participant.


(ii) A person may not require a Program participant to submit any address that could be used to physically locate the Program participant either as a substitute or in addition to the designated address, or as a condition of receiving a service or benefit, unless the service or benefit would be impossible to provide without knowledge of the Program participant's physical location.


(2) A bank, a credit union, any other depository institution, or any other financial institution within the meaning of § 1-101 of the Financial Institutions Article may require a request made under subsection (a) of this section to be in writing and on a form prescribed by the Secretary of State identifying an individual as a Program participant.

(c) A Program participant who acquires an ownership interest in real property while participating in the Program may request the shielding of real property records concerning the property in accordance with Title 3, Subtitle 1, Part II of the Real Property Article.

(d)(1) A State or local agency that has a bona fide statutory or administrative requirement for using a Program participant's actual address may apply to the Secretary of State for a waiver from the requirements of the Program.



(2) If the Secretary of State approves the waiver, the State or local agency shall use the Program participant's actual address only for the required statutory or administrative purposes.

 The terms used in this subsection are defined in Md. Code Ann., State Gov't § 7-301. These definitions are included above in the section "Select Definitions."

 Additional information about the Human Trafficking Victims Address Confidentiality Program is contained in other statutory provisions. *See, e.g.*, Md. Code Ann., State Gov't § 7-302 (purpose); *id.* at § 7-304 (applications to participate in program); *id.* at § 7-306 (name changes or changes in address or telephone number of participants); *id.* at § 7-307 (cancellation of participation); *id.* at § 7-309 (use of actual address for election-related

<p>purposes); <i>id.</i> at § 7-310 (participant's actual address and telephone number not a public record); <i>id.</i> at § 7-311 (prohibition on obtaining participant's address or phone number without authorization).</p>	
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<p>Domestic Violence Address Confidentiality Program: Eligibility and Application.</p> <p>(a) Any of the following individuals may apply to participate in the Program:</p> <ul style="list-style-type: none"> (1) an individual acting on the individual's own behalf; (2) a parent or guardian acting on behalf of a minor who resides with the parent or guardian; <p>or</p> <ul style="list-style-type: none"> (3) a guardian acting on behalf of a disabled person. <p>(b) An application to participate in the Program shall be in the form required by the Secretary of State and shall contain:</p> <ul style="list-style-type: none"> (1) a statement that: <ul style="list-style-type: none"> (i) the applicant is a victim of domestic violence; and (ii) the applicant fears for the applicant's safety or the safety of the applicant's child; (2) evidence that the applicant is a victim of domestic violence, including: <ul style="list-style-type: none"> (i) certified law enforcement, court, or other federal or State agency records or files; (ii) documentation from a domestic violence program; or (iii) documentation from a religious, medical, or other professional from whom the applicant has sought assistance or treatment as a victim of domestic violence; (3) a statement that disclosure of the applicant's actual address would endanger the applicant's safety or the safety of the applicant's child; (4) a knowing and voluntary designation of the Secretary of State as agent for purposes of service of process and receipt of first-class, certified, or registered mail; (5) the mailing address and telephone number where the applicant may be contacted by the Secretary of State; (6) the actual address that the applicant requests not be disclosed by the Secretary of State because it would increase the risk of domestic violence; (7) a statement as to whether there is any existing court order or pending court action involving the applicant and related to divorce proceedings, child support, child custody, or child visitation, and the court that issued the order or has jurisdiction over the action; (8) a sworn statement by the applicant that to the best of the applicant's knowledge all of the information contained in the application is true; (9) the signature of the applicant and the date on which the applicant signed the application; 	<p>Md. Code Ann., Fam. Law § 4-522.</p>
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<p>and (10) a voluntary release and waiver of all future claims against the State for any claim that may arise from participation in the Program except for a claim based on gross negligence.</p> <p>(c)(1)(i) On the filing of a properly completed application and release, the Secretary of State shall:</p> <ol style="list-style-type: none"> 1. review the application and release; and 2. if the application and release are properly completed and accurate, designate the applicant as a Program participant. <p>(ii) An applicant shall be a participant for 4 years from the date of filing unless the participation is canceled or withdrawn prior to the end of the 4-year period.</p> <p>(2) A Program participant may withdraw from participation by filing a signed, notarized request for withdrawal with the Secretary of State.</p> <p> The terms used in this subsection are defined in Md. Code Ann., Fam. Law § 4-519. These definitions are included above in the section “Select Definitions.”</p> <p> Additional information about the Domestic Violence Victims Address Confidentiality Program is contained in other statutory provisions. <i>See, e.g.</i>, Md. Code Ann., Fam. Law § 4-520 (purpose); <i>id.</i> at § 4-524 (name changes or changes in address or telephone number of participants); <i>id.</i> at § 4-523 (denial of participation); <i>id.</i> at § 4-525 (cancellation of participation); <i>id.</i> at § 4-526 (request to use substitute address); <i>id.</i> at § 4-527 (use of actual address for election-related purposes); <i>id.</i> at § 4-528 (participant’s actual address and telephone number not a public record); <i>id.</i> at § 4-529 (prohibition on obtaining participant’s address or phone number without authorization).</p>	
<p>Domestic Violence Address Confidentiality Program: Request to Use Substitute Address.</p> <p>(a)(1) A Program participant may make a request to any person or State or local agency to use the substitute address designated by the Secretary of State as the Program participant’s</p>	<p>Md. Code Ann., Fam. Law § 4-526.</p>

address.

(2) Subject to subsections (b) and (d) of this section, when a Program participant has made a request to a person or State or local agency under this subsection, the person or agency shall use the substitute address designated by the Secretary of State as the Program participant's address.

(b)(1)(i) When a Program participant presents the address designated by the Secretary of State to any person, that address must be accepted as the address of the Program participant.


(ii) A person may not require a Program participant to submit any address that could be used to physically locate the Program participant either as a substitute or in addition to the designated address, or as a condition of receiving a service or benefit, unless the service or benefit would be impossible to provide without knowledge of the Program participant's physical location.


(2) A bank, a credit union, any other depository institution, or any other financial institution within the meaning of § 1-101 of the Financial Institutions Article may require a request made under subsection (a) of this section to be in writing and on a form prescribed by the Secretary of State identifying an individual as a Program participant.


(c) A Program participant who acquires an ownership interest in real property while participating in the Program may request the shielding of real property records concerning the property in accordance with Title 3, Subtitle 1, Part II of the Real Property Article.

(d)(1) A State or local agency that has a bona fide statutory or administrative requirement for using a Program participant's actual address may apply to the Secretary of State for a waiver from the requirements of the Program.

(2) If the Secretary of State approves the waiver, the State or local agency shall use the Program participant's actual address only for the required statutory or administrative purposes.

 The terms used in this subsection are defined in Md. Code Ann., Fam. Law § 4-519. These definitions are included above in the section "Select Definitions."

<p> Additional information about the Domestic Violence Victims Address Confidentiality Program is contained in other statutory provisions. <i>See, e.g.</i>, Md. Code Ann., Fam. Law § 4-520 (purpose); <i>id.</i> at § 4-522 (eligibility and application); <i>id.</i> at § 4-524 (name changes or changes in address or telephone number of participants); <i>id.</i> at § 4-523 (denial of participation); <i>id.</i> at § 4-525 (cancellation of participation); <i>id.</i> at § 4-527 (use of actual address for election-related purposes); <i>id.</i> at § 4-528 (participant's actual address and telephone number not a public record); <i>id.</i> at § 4-529 (prohibition on obtaining participant's address or phone number without authorization).</p>	
<p>Victims' Rights Regarding Public Records Request for 9-1-1 Communications that Depict a Victim.</p> <p>(b)(1) This section does not apply to a public record that has been entered into evidence in a court proceeding.</p> <p>(2) This section may not be construed to:</p> <ul style="list-style-type: none"> (i) create a right of civil action for a victim or victim's representative; or (ii) affect the discovery or evidentiary rights of a party to a civil suit or criminal prosecution. <p>(c) Subject to subsections (d) and (e) of this section, before granting inspection of the part of a 9-1-1 communications record that depicts a victim, a custodian shall:</p> <ul style="list-style-type: none"> (1) within 30 days after receiving the request and if the custodian has contact information for the victim or victim's representative, notify the victim or victim's representative of the request; (2) allow 10 days for a response from the victim or victim's representative indicating that inspection may be contrary to the public interest; and (3) consider any response received under item (2) of this subsection in determining whether to grant or deny the inspection. <p>(d) A custodian may redact the information described under subsection (c) of this section if a failure to do so would result in a constructive denial of the entire public record.</p>	<p>Md. Code Ann., Gen. Prov. § 4-356.</p>

<p>(e) A custodian shall allow inspection by the person in interest.</p> <p> The terms “victim” and “victim’s representative” as used in this subsection are defined in Md. Code Ann., Gen. Prov. § 4-356(a). These definitions are included above in the section “Select Definitions.”</p>	
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