

HOUSE BILL 945

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By: **Delegates Atterbeary, Anderson, Attar, Boyce, C. Branch, Bridges, Conaway,
R. Lewis, Lierman, McIntosh, Rosenberg, and Smith**

Introduced and read first time: February 5, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Sentencing and Disposition – Community Impact**
3 **Statement**

4 FOR the purpose of authorizing a representative of a community to submit a certain
5 community impact statement during sentencing or disposition of criminal or juvenile
6 cases under certain circumstances; requiring a court to consider certain community
7 impact statements; and generally relating to sentencing or disposition of criminal or
8 juvenile cases.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Procedure
11 Section 11–403
12 Annotated Code of Maryland
13 (2018 Replacement Volume and 2019 Supplement)

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

16 **Article – Criminal Procedure**

17 11–403.

18 (a) In this section, “sentencing or disposition hearing” means a hearing at which
19 the imposition of a sentence, disposition in a juvenile court proceeding, or alteration of a
20 sentence or disposition in a juvenile court proceeding is considered.

21 (b) In the sentencing or disposition hearing the court, if practicable, shall allow
22 the victim or the victim’s representative to address the court under oath before the
23 imposition of sentence or other disposition:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(1) at the request of the prosecuting attorney;

(2) at the request of the victim or the victim's representative; or

(3) if the victim has filed a notification request form under § 11–104 of this title.

(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.

(2) The cross-examination is limited to the factual statements made to the court.

(d) (1) A victim or the victim's representative has the right not to address the court at the sentencing or disposition hearing.

(2) A person may not attempt to coerce a victim or the victim's representative to address the court at the sentencing or disposition hearing.

(e) (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:

(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) (1) IN THE SENTENCING OR DISPOSITION HEARING, A REPRESENTATIVE OF A COMMUNITY IMPACTED BY THE CRIME OF WHICH A DEFENDANT OR RESPONDENT IN JUVENILE COURT PROCEEDINGS HAS BEEN CONVICTED MAY SUBMIT A COMMUNITY IMPACT STATEMENT.

(2) IF MORE THAN ONE COMMUNITY IS IMPACTED BY THE CRIME, A REPRESENTATIVE OF EACH COMMUNITY MAY SUBMIT A COMMUNITY IMPACT

1 **STATEMENT.**

2 **(3) THE COURT SHALL CONSIDER THE COMMUNITY IMPACT**
3 **STATEMENT IN DETERMINING THE APPROPRIATE SENTENCE OR DISPOSITION.**

4 **[(f)] (G)** A victim [or], victim's representative, **OR COMMUNITY**
5 **REPRESENTATIVE** who has been denied a right provided under this section may file an
6 application for leave to appeal in the manner provided under § 11–103 of this title.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2020.