

SENATE BILL 391

E2
HB 225/22 – JUD

3lr1397
CF HB 174

By: **Senators Lewis Young and Rosapepe**
Introduced and read first time: February 1, 2023
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Victims of Sexually Assaultive Behavior**

3 FOR the purpose of requiring a certain assistant State’s Attorney to meet with a victim of
4 sexually assaultive behavior if the Office of the State’s Attorney has elected to
5 dismiss charges or not to file charges against an alleged suspect; and generally
6 relating to victims’ rights.

7 BY adding to

8 Article – Criminal Procedure

9 Section 11–1009

10 Annotated Code of Maryland

11 (2018 Replacement Volume and 2022 Supplement)

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

14 **Article – Criminal Procedure**

15 **11–1009.**

16 (A) IN THIS SECTION, “SEXUALLY ASSAULTIVE BEHAVIOR” HAS THE
17 MEANING STATED IN § 10–923 OF THE COURTS ARTICLE.

18 (B) FOR AN INVESTIGATION OR A CASE INVOLVING A VICTIM OF SEXUALLY
19 ASSAULTIVE BEHAVIOR, AN ASSISTANT STATE’S ATTORNEY WITH KNOWLEDGE OF
20 THE CASE SHALL MEET WITH THE VICTIM OR A REPRESENTATIVE DESIGNATED BY
21 THE VICTIM WITHIN 20 DAYS AFTER RECEIVING A REQUEST FROM THE VICTIM TO
22 MEET REGARDING A DECISION BY THE OFFICE OF THE STATE’S ATTORNEY:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(1) NOT TO FILE A CHARGING DOCUMENT AGAINST AN ALLEGED**
2 **SUSPECT; OR**

3 **(2) TO DISMISS CHARGES AGAINST AN ALLEGED SUSPECT.**

4 **(C) AT THE MEETING REQUIRED UNDER THIS SECTION, THE ASSISTANT**
5 **STATE'S ATTORNEY SHALL EXPLAIN THE JUSTIFICATION FOR NOT FILING A**
6 **CHARGING DOCUMENT OR FOR DISMISSING THE CHARGES.**

7 **(D) THE MEETING REQUIRED UNDER THIS SECTION MAY BE CONDUCTED IN**
8 **PERSON, BY PHONE, OR BY OTHER MEANS MUTUALLY AGREED ON.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2023.