

SENATE BILL 684

E2, E5

3lr2374

By: **Senator Waldstreicher**

Introduced and read first time: February 6, 2023

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Victims’ Rights – Notification of Release From**
3 **Confinement**

4 FOR the purpose of requiring a certain commitment unit to include in a notification given
5 to a victim, victim’s representative, or witness regarding the release from
6 confinement of a sentenced defendant or child respondent the name and telephone
7 number of a certain victim services employee; and generally relating to victims’
8 rights.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Procedure
11 Section 11–508
12 Annotated Code of Maryland
13 (2018 Replacement Volume and 2022 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 11–508.

18 (a) (1) In this section the following words have the meanings indicated.

19 (2) “Commitment unit” means a unit that a court orders to retain custody
20 of a defendant or a child respondent and that receives a notification request form under §
21 11–104(g)(1) or (h) of this title.

22 (3) “Release from confinement” means work release, home detention, or
23 other administrative or statutorily authorized release of a defendant or child respondent
24 from a confinement facility.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) "Witness" means a person who:

2 (i) knows of facts relating to a crime of violence or conspiracy or
3 solicitation to commit a crime of violence; and

4 (ii) 1. makes a declaration under oath that is received as
5 evidence for any purpose; or

6 2. has been served with a subpoena issued under the
7 authority of a court of this or any other state or of the United States.

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

10 (c) This section applies if a witness requests in writing that a commitment unit
11 notify the witness in writing of the release from confinement of a defendant or child
12 respondent.

13 (d) On receipt of a notification request form under § 11-104(g)(1) or (h) of this
14 title or a written request from a witness for notification, a commitment unit, if practicable,
15 shall notify the victim, victim's representative, or witness of:

16 (1) receipt of the notification request form;

17 (2) the date when the defendant or child respondent was placed in the
18 custody of the commitment unit;

19 (3) how to change the address to receive notice for the victim, victim's
20 representative, witness, or the person to receive notice for the victim; and

21 (4) how to elect not to receive future notices.

22 (e) **(1)** The commitment unit shall notify a victim, victim's representative, or
23 witness, in advance if practicable, if any of the following events occur concerning the
24 defendant or child respondent:

25 [(1)] **(I)** an escape;

26 [(2)] **(II)** a recapture;

27 [(3)] **(III)** a transfer to another commitment unit;

28 [(4)] **(IV)** a release from confinement and any conditions attached to the
29 release; and

1 ~~[(5)]~~ (v) the death of the defendant or child respondent.

2 **(2) WHEN A SENTENCED DEFENDANT OR CHILD RESPONDENT IS**
3 **BEING RELEASED FROM CONFINEMENT, THE COMMITMENT UNIT SHALL INCLUDE IN**
4 **THE NOTIFICATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION THE**
5 **NAME AND TELEPHONE NUMBER OF THE LEAD VICTIM SERVICES EMPLOYEE OF THE**
6 **STATE'S ATTORNEY'S OFFICE OF THE COUNTY IN WHICH THE SENTENCED**
7 **DEFENDANT OR CHILD RESPONDENT WAS PROSECUTED.**

8 (f) A commitment unit may not disclose to a defendant or child respondent the
9 address or telephone number of a witness, victim, victim's representative, or person who
10 receives notice for the victim.

11 (g) An elected public official, public employee, or public unit has the immunity
12 described in §§ 5-302 and 5-522 of the Courts Article regarding civil liability for damages
13 arising out of an action relating to this section, unless the official, employee, or unit acts
14 with gross negligence or in bad faith.

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