

# HOUSE BILL 1382

E2, R7

3lr1012

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By: **Delegates McDermott, Cluster, Ready, and Stocksdale**

Introduced and read first time: February 14, 2013

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Accidents – Victim Impact Statement**  
3 **(Alex’s Law)**

4 FOR the purpose of authorizing a prosecuting attorney to prepare a certain victim  
5 impact statement under certain circumstances involving a motor vehicle  
6 accident; and generally relating to a victim impact statement involving a motor  
7 vehicle accident.

8 BY repealing and reenacting, without amendments,  
9 Article – Criminal Procedure  
10 Section 11–401  
11 Annotated Code of Maryland  
12 (2008 Replacement Volume and 2012 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article – Criminal Procedure  
15 Section 11–402  
16 Annotated Code of Maryland  
17 (2008 Replacement Volume and 2012 Supplement)

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

20 **Article – Criminal Procedure**

21 11–401.

22 In this subtitle, “victim’s representative” means:

23 (1) a member of the victim’s immediate family; or

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (2) another family member, the personal representative, or guardian  
2 of the victim if the victim is:

3                   (i) deceased;

4                   (ii) under a mental, physical, or legal disability; or

5                   (iii) otherwise unable to provide the required information.

6 11-402.

7           (a) A presentence investigation that the Division of Parole and Probation  
8 completes under § 6-112 of the Correctional Services Article or a predisposition  
9 investigation that the Department of Juvenile Services completes shall include a  
10 victim impact statement if:

11                   (1) the defendant or child respondent caused physical, psychological,  
12 or economic injury to the victim in committing a felony or delinquent act that would be  
13 a felony if committed by an adult; or

14                   (2) the defendant caused serious physical injury or death to the victim  
15 in committing a misdemeanor.

16           (b) If the court does not order a presentence investigation or predisposition  
17 investigation, the prosecuting attorney or the victim may prepare a victim impact  
18 statement to be submitted to the court and the defendant or child respondent in  
19 accordance with the Maryland Rules.

20           **(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE**  
21 **PROSECUTING ATTORNEY MAY PREPARE A VICTIM IMPACT STATEMENT TO BE**  
22 **SUBMITTED TO THE COURT AND THE DEFENDANT OR CHILD RESPONDENT IF:**

23                   **(1) THE DEFENDANT IS FOUND GUILTY OF A CRIMINAL OFFENSE**  
24 **ARISING OUT OF A MOTOR VEHICLE ACCIDENT; OR**

25                   **(2) THE CHILD RESPONDENT IS ADJUDICATED DELINQUENT FOR**  
26 **AN ACT THAT, IF COMMITTED BY AN ADULT, WOULD CONSTITUTE A CRIMINAL**  
27 **OFFENSE ARISING OUT OF A MOTOR VEHICLE ACCIDENT.**

28           **[(c)] (D)** (1) The prosecuting attorney shall notify a victim who has filed  
29 a notification request form under § 11-104 of this title of the victim's right to submit a  
30 victim impact statement to the court in a transfer hearing under § 4-202 of this article  
31 or a waiver hearing under § 3-8A-06 of the Courts Article.

1           (2) This subsection does not preclude a victim who has not filed a  
2 notification request form under § 11–104 of this title from submitting a victim impact  
3 statement to the court.

4           (3) The court may consider a victim impact statement in determining  
5 whether to transfer jurisdiction under § 4–202 of this article or waive jurisdiction  
6 under § 3–8A–06 of the Courts Article.

7           **[(d)] (E)** The court shall consider the victim impact statement in  
8 determining the appropriate sentence or disposition and in entering a judgment of  
9 restitution for the victim under § 11–603 of this title.

10           **[(e)] (F)** A victim impact statement for a crime or delinquent act shall:

11                   (1) identify the victim;

12                   (2) itemize any economic loss suffered by the victim;

13                   (3) identify any physical injury suffered by the victim and describe the  
14 seriousness and any permanent effects of the injury;

15                   (4) describe any change in the victim’s personal welfare or familial  
16 relationships;

17                   (5) identify any request for psychological services initiated by the  
18 victim or the victim’s family;

19                   (6) identify any request by the victim to prohibit the defendant or  
20 child respondent from having contact with the victim as a condition of probation,  
21 parole, mandatory supervision, work release, or any other judicial or administrative  
22 release of the defendant or child respondent; and

23                   (7) contain any other information related to the impact on the victim  
24 or the victim’s family that the court requires.

25           **[(f)] (G)** If the victim is deceased, under a mental, physical, or legal  
26 disability, or otherwise unable to provide the information required under this section,  
27 the information may be obtained from the victim’s representative.

28           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2013.