

HOUSE BILL 64

E1, E2

(PRE-FILED)

5lr0975
CF 5lr0977

By: **Delegate Conaway**

Requested: September 26, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Theft of Mail and Packages and Victim Notification**

3 FOR the purpose of prohibiting the theft of mail or packages; requiring the prosecuting
4 attorney prosecuting a violation of this Act to notify the victim or the victim's
5 representative about certain information related to the court proceedings; and
6 generally relating to theft of mail and packages.

7 BY adding to

8 Article – Criminal Law

9 Section 7–106.1

10 Annotated Code of Maryland

11 (2021 Replacement Volume and 2024 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article – Criminal Procedure

14 Section 11–104(a) through (e), (g), and (h)

15 Annotated Code of Maryland

16 (2018 Replacement Volume and 2024 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article – Criminal Procedure

19 Section 11–104(f) and (i)

20 Annotated Code of Maryland

21 (2018 Replacement Volume and 2024 Supplement)

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

24 **Article – Criminal Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



7-106.1.

(A) IN THIS SECTION, “MAIL OR PACKAGE” MEANS AN ITEM DELIVERED OR LEFT TO BE COLLECTED BY THE U.S. POSTAL SERVICE OR A DELIVERY SERVICE COMPANY THAT DELIVERS TANGIBLE PERSONAL PROPERTY.

(B) A PERSON MAY NOT KNOWINGLY OR WILLFULLY AND WITHOUT PERMISSION OF THE INTENDED RECIPIENT OF THE MAIL OR PACKAGE OBTAIN OR EXERT CONTROL OVER MAIL OR A PACKAGE DELIVERED TO ANOTHER WITH THE INTENT TO DEPRIVE THE OWNER OF THE MAIL OR PACKAGE.

(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS.

Article – Criminal Procedure**11-104.**

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

(2) “DNA” has the meaning stated in § 2-501 of the Public Safety Article.

(3) “Statewide DNA database system” has the meaning stated in § 2-501 of the Public Safety Article.

(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.

(5) “Victim’s representative” includes a family member or guardian of a victim who is:

(i) a minor;

(ii) deceased; or

(iii) disabled.

(b) 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.

(c) 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

1 investigating law enforcement agency shall give the victim or the victim's representative
2 timely notice as to:

3 (1) whether an evidentiary DNA profile was obtained from evidence in the
4 case;

5 (2) when any evidentiary DNA profile developed in the case was entered
6 into the DNA database system; and

7 (3) when any confirmed match of the DNA profile, official DNA case report,
8 or DNA hit report is received.

9 (d) (1) Within 10 days after the filing or the unsealing of an indictment or
10 information in circuit court, whichever is later, the prosecuting attorney shall:

11 (i) mail or deliver to the victim or victim's representative the
12 pamphlet described in § 11-914(9)(ii) of this title and the notification request form
13 described in § 11-914(10) of this title; and

14 (ii) certify to the clerk of the court that the prosecuting attorney has
15 complied with this paragraph or is unable to identify the victim or victim's representative.

16 (2) If the prosecuting attorney files a petition alleging that a child is
17 delinquent for committing an act that could only be tried in the circuit court if committed
18 by an adult, the prosecuting attorney shall:

19 (i) inform the victim or victim's representative of the right to
20 request restitution under § 11-606 of this title;

21 (ii) mail or deliver to the victim or victim's representative the
22 notification request form described in § 11-914(10) of this title; and

23 (iii) certify to the clerk of the juvenile court that the prosecuting
24 attorney has complied with this paragraph or is unable to identify the victim or victim's
25 representative.

26 (3) For cases described under this subsection, the prosecuting attorney
27 may provide a State's witness in the case with the guidelines for victims, victims'
28 representatives, and witnesses available under §§ 11-1001 through 11-1004 of this title.

29 (e) (1) A victim or victim's representative may:

30 (i) file a completed notification request form with the prosecuting
31 attorney; or

32 (ii) follow the MDEC system protocol to request notice.

(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.

(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.

(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.

(4) To keep the address and electronic mail address of a victim or victim's representative confidential, the victim or victim's representative shall:

(i) designate in the notification request form a person who has agreed to receive notice for the victim or victim's representative; or

(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:

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.

(f) (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 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.

(5) 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, IF THE INDIVIDUAL IS A VICTIM OF A CRIME UNDER § 7-106.1 OF THE CRIMINAL LAW ARTICLE, THE PROSECUTING ATTORNEY SHALL NOTIFY THE VICTIM OR THE VICTIM'S REPRESENTATIVE OF:

(I) EACH COURT PROCEEDING RELATED TO THE CASE;

(II) THE RIGHT OF THE VICTIM TO SUBMIT A VICTIM IMPACT STATEMENT;

(III) ANY POSTTRIAL COURT PROCEEDINGS;

(IV) ANY APPEAL RELATED TO THE CASE; AND

(V) ANY SENTENCE REVIEW RELATED TO THE CASE.

(g) 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:

(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

(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.

(h) 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.

(i) (1) After filing a notification request form under subsection (e) of this section **OR RECEIVING NOTIFICATION UNDER SUBSECTION (F)(5) OF THIS SECTION**, a victim or victim's representative may discontinue further notices by filing a written request with:

(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.

(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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.