

778. RESERVED.

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SENTENCING PROCEDURES

[643D.] 780. RIGHT OF VICTIM OR REPRESENTATIVE TO ADDRESS SENTENCING JUDGE.

(a) In every case resulting in serious physical injury or death, the victim or a member of the victim's immediate family, or if the victim is deceased, under a mental, physical, or legal disability, or otherwise unable to provide the required information, the personal representative, guardian, or committee, or other family member may, at the request of the State's Attorney and in the discretion of the sentencing judge, address the sentencing judge or jury under oath or affirmation before the imposition of sentence.

(b) (1) If the victim or the victim's representative is permitted to address the judge or jury, the defendant may cross-examine the victim or the victim's representative.

(2) The cross-examination is limited to the factual statements made in the address to the judge or jury.

(c) (1) A victim or representative has the right not to address the court at sentencing.

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

DRAFTER'S NOTE: This section formerly was Art. 27, § 643D of the Code.

There are no changes.

781. VICTIM IMPACT STATEMENT IN PRESENTENCE INVESTIGATION.

[(2) (i)] (A) [The] A presentence investigation THAT IS COMPLETED BY THE DIVISION OF PAROLE AND PROBATION UNDER ARTICLE 41, § 4-609 OF THE CODE shall include a victim impact statement, if:

[1.] (1) The defendant, in committing a felony, caused physical, psychological, or economic injury to the victim; or

[2.] (2) The defendant, in committing a misdemeanor, caused serious physical injury or death to the victim.

[(ii)](B) If the court does not order a presentence investigation, the State's Attorney may prepare a victim impact statement to be submitted to the court and the defendant in accordance with the Maryland Rules of Procedure pertaining to presentence investigations.

[(iii)](C) The court shall consider the victim impact statement in determining the appropriate sentence, and in entering any order of restitution to the victim under [Article 27, § 640(c) of the Code] § 807(C) OF THIS SUBTITLE.

[(3)](D) A victim impact statement shall: