

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A VICTIM'S REPRESENTATIVE HAS THE SAME RIGHT TO ADDRESS THE JURY IN A DEATH PENALTY SENTENCING AS A VICTIM'S REPRESENTATIVE HAS TO ADDRESS A JUDGE UNDER § 780 OF THIS SUBHEADING.

(C) (1) ON MOTION OF A DEFENDANT OR THE STATE OR ON ITS OWN REQUEST, THE COURT IN A DEATH PENALTY SENTENCING MAY HOLD A HEARING OUTSIDE OF THE PRESENCE OF THE JURY TO DETERMINE WHETHER A VICTIM'S REPRESENTATIVE MAY PRESENT AN ORAL ADDRESS TO THE JURY.

(2) IF THE COURT DETERMINES THAT PART OF A VICTIM'S REPRESENTATIVE'S ORAL ADDRESS WILL BE SO UNDULY PREJUDICIAL THAT IT RENDERS THE JURY SENTENCING PROCEEDING FUNDAMENTALLY UNFAIR, THE COURT MAY LIMIT THE PREJUDICIAL PORTION OF THE ORAL ADDRESS.

781.

(A) IN THIS SECTION, "DEFENDANT" ~~INCLUDES~~ MEANS:

- (1) A PERSON WHO IS CHARGED WITH A CRIME; ~~AND~~ OR
- (2) A CHILD WHO IS ALLEGED TO HAVE COMMITTED A DELINQUENT ACT.

[(a)] (B) A presentence investigation that is completed by the Division of Parole and Probation under Article 41, § 4-609 of the Code OR A PREDISPOSITION INVESTIGATION THAT IS COMPLETED BY THE DEPARTMENT OF JUVENILE JUSTICE shall include a victim impact statement, if:

(1) The defendant, in committing a felony OR DELINQUENT ACT THAT WOULD BE A FELONY IF COMMITTED BY AN ADULT, caused physical, psychological, or economic injury to the victim; or

(2) The defendant, in committing a misdemeanor ~~OR DELINQUENT ACT THAT WOULD BE A MISDEMEANOR IF COMMITTED BY AN ADULT~~, caused serious physical injury or death to the victim.

[(b)] (C) If the court does not order a presentence investigation OR PREDISPOSITION INVESTIGATION, the State's Attorney OR THE VICTIM 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.

[(c)] (D) The court shall consider the victim impact statement in determining the appropriate sentence OR DISPOSITION, and in entering any [order] JUDGMENT of restitution [to] FOR the victim under [§ 807(c)] § 807 ~~OR § 808~~ of this subtitle.

[(d)] (E) A victim impact statement shall:

- (1) Identify the victim of the offense;
- (2) Itemize any economic loss suffered by the victim as a result of the offense;