

Defined terms: "Child respondent" § 11-101

"Person" § 1-101

"Prosecuting attorney" § 11-101

SUBTITLE 4. SENTENCING PROCEDURES.

11-401. "VICTIM'S REPRESENTATIVE" DEFINED.

IN THIS SUBTITLE, "VICTIM'S REPRESENTATIVE" MEANS:

- (1) A MEMBER OF THE VICTIM'S IMMEDIATE FAMILY; OR
- (2) ANOTHER FAMILY MEMBER, THE PERSONAL REPRESENTATIVE, OR GUARDIAN OF THE VICTIM IF THE VICTIM IS:

- (I) DECEASED;
- (II) UNDER A MENTAL, PHYSICAL, OR LEGAL DISABILITY; OR
- (III) OTHERWISE UNABLE TO PROVIDE THE REQUIRED INFORMATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, §§ 780A(a) and 780(a)(1) and (3).

The Criminal Procedure Article Review Committee notes, for consideration by the General Assembly, that the language of this section differs from the definition of "victim's representative" under § 11-705 of this title, which was based on the provisions enacted by Ch. 392, Acts of 2000.

11-402. VICTIM IMPACT STATEMENT IN PRESENTENCE INVESTIGATION.

(A) WHEN REQUIRED.

A PRESENTENCE INVESTIGATION THAT THE DIVISION OF PAROLE AND PROBATION COMPLETES UNDER § 6-112 OF THE CORRECTIONAL SERVICES ARTICLE OR A PREDISPOSITION INVESTIGATION THAT THE DEPARTMENT OF JUVENILE JUSTICE COMPLETES SHALL INCLUDE A VICTIM IMPACT STATEMENT IF:

(1) THE DEFENDANT OR CHILD RESPONDENT CAUSED PHYSICAL, PSYCHOLOGICAL, OR ECONOMIC INJURY TO THE VICTIM IN COMMITTING A FELONY OR DELINQUENT ACT THAT WOULD BE A FELONY IF COMMITTED BY AN ADULT; OR

(2) THE DEFENDANT CAUSED SERIOUS PHYSICAL INJURY OR DEATH TO THE VICTIM IN COMMITTING A MISDEMEANOR.

(B) ABSENCE OF PRESENTENCE INVESTIGATION ORDER.

IF THE COURT DOES NOT ORDER A PRESENTENCE INVESTIGATION OR PREDISPOSITION INVESTIGATION, THE PROSECUTING ATTORNEY OR THE VICTIM MAY PREPARE A VICTIM IMPACT STATEMENT TO BE SUBMITTED TO THE COURT AND THE DEFENDANT OR CHILD RESPONDENT IN ACCORDANCE WITH THE MARYLAND RULES.