

(J) BEFORE A HEARING UNDER THIS ARTICLE RELATING TO A DEFENDANT, THE VICTIM OR VICTIM'S REPRESENTATIVE SHALL BE NOTIFIED OF THE PROCEEDING AS PROVIDED UNDER § 11-104 OR § 11-503 OF THIS ARTICLE.

(K) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A VICTIM OR VICTIM'S REPRESENTATIVE SHALL HAVE THE RIGHT TO ATTEND A HEARING UNDER THIS ARTICLE RELATING TO A DEFENDANT AS PROVIDED UNDER § 11-102 OF THIS ARTICLE.

(2) AT THE REQUEST OF A DEFENDANT, THE OFFICE, IN A RELEASE HEARING OR A VIOLATION HEARING UNDER THIS SUBTITLE FOR AN INDIVIDUAL FOUND NOT CRIMINALLY RESPONSIBLE, MAY EXCLUDE A VICTIM OR VICTIM'S REPRESENTATIVE FROM THE EXPERT TESTIMONY REGARDING THE DEFENDANT'S MEDICAL, PSYCHOLOGICAL, OR PSYCHIATRIC INFORMATION IF THE OFFICE FINDS THE MEDICAL, PSYCHOLOGICAL, OR PSYCHIATRIC INFORMATION IS:

(I) HIGHLY SENSITIVE TO THE DEFENDANT; AND

(II) NOT RELEVANT TO WHETHER THE DEFENDANT SHOULD BE RELEASED OR HAS VIOLATED THE CONDITIONS OF RELEASE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2001.

May 17, 2001

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
State House  
Annapolis MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed Senate Bill 241 – Victims' Rights – Conditions of Pretrial or Prehearing Release.

This bill authorizes a court, a District Court commissioner or a juvenile intake officer, if reasonable safety protections have been requested by the victim, to include "a condition of no contact" with the alleged victim or alleged victim's premises or place of employment as a condition of pretrial or prehearing release. The bill eliminates the need for safety of the victim to be considered only in cases involving stalking or a felony.

House Bill 507, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 241.

Sincerely,  
Parris N. Glendening  
Governor