

under which a victim or a representative of a victim has the right to be present at certain proceedings; altering the circumstances under which a judge may sequester a victim or victim's representative; prohibiting a judge from sequestering a victim or representative under certain circumstances applying provisions of law concerning presence of a victim or representative to certain juvenile delinquency proceedings; defining certain terms a certain term; altering certain definitions; and generally relating to victims' rights in criminal and juvenile proceedings.

BY repealing and reenacting, with amendments,

Article 27 - Crimes and Punishments

Section 773

Annotated Code of Maryland

(1996 Replacement Volume and 1997 Supplement)

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

Article 27 - Crimes and Punishments

773.

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

(2) "DEFENDANT" MEANS:

(I) A PERSON WHO IS CHARGED WITH A CRIME; OR

(II) A CHILD WHO IS ALLEGED TO HAVE COMMITTED A DELINQUENT ACT.

[(2)] (3) "Victim" means a person who:

~~(i) Has testified as a witness; and~~

(ii) ~~is~~ IS the victim of a crime [of violence under § 643B of this article or a crime involving, causing, or resulting in death or serious bodily harm] OR DELINQUENT ACT for which the defendant is being tried OR ADJUDICATED.

[(3)] (4) "Representative" means a person who is:

(i) [1. Subpoenaed or has testified; and

2.] Selected by the next of kin or guardian of a [person] VICTIM who is deceased or disabled [as a result of a crime of violence under § 643B of this article or a crime involving, causing, or resulting in death or serious bodily harm]; or

(ii) Designated by the court in the event of a dispute over the representative.

~~(5) "TRIAL" INCLUDES AN ADJUDICATORY HEARING AND ANY OTHER COURT PROCEEDING IN WHICH THE DEFENDANT HAS A RIGHT TO APPEAR.~~