
By: Calvert County Delegation

Requested: November 4, 1996

Introduced and read first time: January 8, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Calvert County - Restitution - Domestic Abusers**

3 FOR the purpose of authorizing a court in Calvert County only to require persons
4 convicted of certain crimes involving a spouse or child to make restitution to a
5 governmental entity that incurred expenses by providing food and shelter to the
6 spouse or children of that person; and generally relating to restitution by convicted
7 domestic abusers.

8 BY repealing and reenacting, with amendments,
9 Article 27 - Crimes and Punishments
10 Section 807(b)
11 Annotated Code of Maryland
12 (1996 Replacement Volume)

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

15 **Article 27 - Crimes and Punishments**

16 807.

17 (b) (1) On conviction of a crime, acceptance of a plea of nolo contendere, or
18 imposition of probation before judgment under § 641 of this article, the court may issue
19 an order of restitution directing the defendant to make restitution in addition to any
20 other penalty for the commission of the crime, if:

21 (i) Property of the victim was stolen, damaged, destroyed, converted,
22 unlawfully obtained, or its value substantially decreased as a direct result of the crime;

23 (ii) The victim suffered actual medical expenses, direct out-of-pocket
24 losses, or loss of earnings as a direct result of the crime;

25 (iii) The victim incurred medical expenses that were paid by the
26 Department of Health and Mental Hygiene or any other governmental entity;

27 (iv) A governmental entity incurred expenses in the removal, towing,
28 transporting, preserving, storage, sale, or destruction of an abandoned vehicle;

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1 (v) The Criminal Injuries Compensation Board paid benefits to a
2 victim of the crime; [or]

3 (vi) The Department of Health and Mental Hygiene or other
4 governmental entity paid expenses incurred under § 855 of this subtitle; OR

5 (VII) IN CALVERT COUNTY ONLY, A GOVERNMENTAL ENTITY
6 INCURRED EXPENSES BY PROVIDING FOOD AND SHELTER TO THE SPOUSE OR
7 CHILDREN OF A PERSON CONVICTED OF CHILD ABUSE, ASSAULT IN ANY DEGREE OF
8 A SPOUSE OR CHILD, OR ANY OTHER CRIME WHICH REQUIRED THE SPOUSE OR
9 CHILDREN OF THE OFFENDER TO VACATE THE FAMILY HOME.

10 (2) A victim is presumed to have a right to restitution under paragraph (1)
11 of this subsection if:

12 (i) The victim or the State requests restitution;

13 (ii) The court is presented with competent evidence of any of items (i)
14 through (vi) of paragraph (1) of this subsection; and

15 (iii) The defendant has the ability to pay the restitution order.

16 (3) A court need not issue an order of restitution under this section if the
17 court finds good cause to establish extenuating circumstances as to why an order of
18 restitution is inappropriate in a case.

19 (4) The court may order that restitution be made to:

20 (i) The victim;

21 (ii) The Department of Health and Mental Hygiene, the Criminal
22 Injuries Compensation Board, or any other governmental entity; or

23 (iii) A third-party payor, including an insurer, which has made
24 payment to the victim to compensate the victim for a property loss or pecuniary loss under
25 this subsection.

26 (5) If the victim has been fully compensated for the victim's loss by a
27 third-party payor, the court may issue an order of restitution directing the defendant to
28 pay restitution to the third-party payor. Otherwise, payment of restitution to the victim
29 has priority over payment of restitution to the third-party payor.

30 (6) Payment of restitution to the victim under this subsection has priority
31 over payment of restitution to the Department of Health and Mental Hygiene or other
32 governmental entity.

33 (7) If restitution is requested under this subsection and the court does not
34 order restitution, the court shall state, on the record, the court's reasons for not ordering
35 restitution.

36 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
37 October 1, 1997.