

HOUSE BILL 504

Unofficial Copy  
E2  
HB 862/00 - JUD

2001 Regular Session  
11r0652  
CF 11r0651

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By: **Delegate Vallario (Task Force to Examine Maryland's Crime Victims' Rights Laws) and Delegates R. Baker, Barkley, Barve, Boschert, Boutin, Bozman, Bronrott, Cadden, Cane, Clagett, Cole, Conroy, Conway, Cryor, DeCarlo, Dembrow, Dewberry, Donoghue, Doory, Dypski, Edwards, Finifter, Franchot, Frush, Giannetti, Gladden, Glassman, Goldwater, Griffith, Grosfeld, Hammen, Harrison, Hecht, Heller, Hixson, Howard, Hubbard, Hubers, Hurson, Hutchins, Kach, K. Kelly, Klima, Kopp, La Vay, Leopold, McIntosh, Mohorovic, Montague, Morhaim, Owings, Parrott, Patterson, Pendergrass, Rawlings, Riley, Rosso, Rudolph, Shank, Sher, Shriver, Sophocleus, Stern, Taylor, and Turner**

Introduced and read first time: February 2, 2001  
Assigned to: Judiciary

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Committee Report: Favorable  
House action: Adopted  
Read second time: March 13, 2001

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Injuries Compensation - Claimants and Awards**

3 FOR the purpose of expanding the definition of crime to include certain motor vehicle  
4 crimes for purposes of determining eligibility for criminal injuries compensation;  
5 allowing certain family members who reside with certain persons to be eligible  
6 for certain criminal injuries compensation awards; altering the circumstances  
7 under which the Criminal Injuries Compensation Board may make an award for  
8 a crime or delinquent act resulting in certain psychological injury; eliminating  
9 certain financial hardship requirements relating to criminal injury  
10 compensation; allowing the Board to make an award for repairing, replacing, or  
11 cleaning property under certain circumstances; establishing a certain monetary  
12 limit on the award the Board is allowed to make for repairing, replacing, or  
13 cleaning property; allowing the Board to make an award for certain disability or  
14 dependency claims; establishing certain limits for certain counseling for certain  
15 family members; and generally relating to criminal injuries compensation.

16 BY repealing and reenacting, with amendments,  
17 Article - Criminal Procedure  
18 Section 11-801, 11-808(a), 11-810, and 11-811

1 Annotated Code of Maryland  
2 (As enacted by Chapter \_\_\_\_ (S.B. 1) of the Acts of the General Assembly of 2001)

3 BY repealing and reenacting, without amendments,  
4 Article - Transportation  
5 Section 20-102, 20-104, 21-902, and 21-904  
6 Annotated Code of Maryland  
7 (1999 Replacement Volume and 2000 Supplement)

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

10 **Article - Criminal Procedure**

11 11-801.

12 (a) In this subtitle the following words have the meanings indicated.

13 (b) "Board" means the Criminal Injuries Compensation Board.

14 (c) "Claimant" means the person filing a claim under this subtitle.

15 (d) (1) "Crime" means:

16 (i) except as provided in paragraph (2) of this subsection, a  
17 criminal offense under state, federal, or common law that is committed in:

18 1. this State; or

19 2. another state against a resident of this State; or

20 (ii) an act of international terrorism as defined in Title 18, § 2331 of  
21 the United States Code that is committed outside of the United States against a  
22 resident of this State.

23 (2) "Crime" does not include an act involving the operation of a vessel or  
24 motor vehicle unless the act is:

25 (i) [operating a motor vehicle in] A violation of [§ 21-902] §  
26 20-102, § 20-104, § 21-902, OR § 21-904 of the Transportation Article; or

27 (ii) operating a motor vehicle or vessel that results in an intentional  
28 injury.

29 (e) "Dependent" means:

30 (1) a surviving spouse or child of a person; or

31 (2) a person who is dependent on another person for principal support.

1 (f) "Victim" means a person:

2 (1) who suffers physical injury or death as a result of a crime or  
3 delinquent act;

4 (2) who suffers psychological injury as a direct result of:

5 (i) a fourth degree sexual offense or a delinquent act that would be  
6 a fourth degree sexual offense if committed by an adult;

7 (ii) a felony or a delinquent act that would be a felony if committed  
8 by an adult; or

9 (iii) physical injury or death directly resulting from a crime or  
10 delinquent act; or

11 (3) who suffers physical injury or death as a direct result of:

12 (i) trying to prevent a crime or delinquent act or an attempted  
13 crime or delinquent act from occurring in the person's presence;

14 (ii) trying to apprehend an offender who had committed a crime or  
15 delinquent act in the person's presence or had committed a felony or a delinquent act  
16 that would be a felony if committed by an adult; or

17 (iii) helping a law enforcement officer in the performance of the  
18 officer's duties or helping a member of a fire department who is being obstructed from  
19 performing the member's duties.

20 11-808.

21 (a) (1) Except as provided in paragraph (2) of this subsection, the following  
22 persons are eligible for awards IN THE MANNER PROVIDED under this subtitle:

23 (i) a victim;

24 (ii) a dependent of a victim who died as a direct result of:

25 1. a crime or delinquent act;

26 2. trying to prevent a crime or delinquent act or an  
27 attempted crime or delinquent act from occurring in the victim's presence or trying to  
28 apprehend a person who had committed a crime or delinquent act in the victim's  
29 presence or had committed a felony or a delinquent act that would be considered a  
30 felony if committed by an adult; or

31 3. helping a law enforcement officer perform the officer's  
32 duties or helping a member of a fire department who is obstructed from performing  
33 the member's duties; [and]

1 (iii) any person who paid or assumed responsibility for the funeral  
2 expenses of a victim who died as a direct result of:

3 1. a crime or delinquent act;

4 2. trying to prevent a crime or delinquent act or an  
5 attempted crime or delinquent act from occurring in the victim's presence or trying to  
6 apprehend a person who had committed a crime or delinquent act in the victim's  
7 presence or had committed a felony; or

8 3. helping a law enforcement officer perform the officer's  
9 duties or helping a member of a fire department who is obstructed from performing  
10 the member's duties; AND

11 (IV) FAMILY MEMBERS RESIDING WITH A VICTIM.

12 (2) A person who commits the crime or delinquent act that is the basis of  
13 a claim, or an accomplice of the person, is not eligible to receive an award with respect  
14 to the claim.

15 11-810.

16 (a) (1) The Board may make an award only if the Board finds that:

17 (i) a crime or delinquent act was committed;

18 (ii) [1.] the crime or delinquent act directly resulted in:

19 1. physical injury to or death of the victim; or

20 2. [a fourth degree sexual offense, a felony, or a delinquent  
21 act that would be a fourth degree sexual offense or a felony if committed by an adult  
22 directly resulted in] psychological injury to the victim THAT NECESSITATED MENTAL  
23 HEALTH COUNSELING;

24 (iii) police, other law enforcement, or judicial records show that the  
25 crime or delinquent act or the discovery of child abuse was reported to the proper  
26 authorities within 48 hours after the occurrence of the crime or delinquent act or the  
27 discovery of the child abuse; and

28 (iv) the victim has cooperated fully with all law enforcement units.

29 (2) For good cause, the Board may waive the requirements of paragraph  
30 (1)(iii) and (iv) of this subsection.

31 (b) [(1) (i) The Board may make an award under this subtitle only if the  
32 Board determines that, without the award, the claimant will suffer serious financial  
33 hardship from the loss of earnings or support and medical and other expenses  
34 incurred as a result of the injury or death.

1 (ii) 1. In determining whether the claimant will suffer serious  
2 financial hardship, the Board shall consider all of the financial resources of the  
3 claimant.

4 2.] Unless total dependency is established, family members  
5 are considered to be partly dependent on a parent with whom they reside without  
6 regard to actual earnings.

7 [(2) Paragraph (1) of this subsection does not apply to a claim if the victim  
8 suffered physical injury or death as a direct result of trying to prevent a crime or  
9 delinquent act or an attempted crime or delinquent act from occurring in the victim's  
10 presence or trying to apprehend an offender who had committed a crime or delinquent  
11 act in the victim's presence or had committed a felony.

12 (3) The Board may not find that a claimant fails to suffer serious  
13 financial hardship because a claimant is indigent or judgment proof.]

14 (c) The Board may make an award only if the claimant, as a result of the  
15 injury on which the claim is based, has:

16 (1) incurred at least \$100 in unreimbursed and unreimbursable  
17 expenses or indebtedness reasonably incurred OR CLAIMED for:

18 (I) medical care[, including];

19 (II) expenses for eyeglasses and other corrective lenses[.];

20 (III) mental health counseling[.];

21 (IV) funeral expenses[.];

22 (V) REPAIRING, REPLACING, OR CLEANING PROPERTY;

23 (VI) DISABILITY OR DEPENDENT CLAIM; or

24 (VII) other necessary services; or

25 (2) lost at least 2 continuous weeks' earnings or support.

26 (d) (1) (i) Except as provided under subparagraph (ii) of this paragraph,  
27 in considering a claim and in determining the amount of an award, the Board shall  
28 determine whether the victim's conduct contributed to the infliction of the victim's  
29 injury, and, if so, reduce the amount of the award or reject the claim.

30 (ii) The Board may disregard the responsibility of the victim for the  
31 victim's own injury if that responsibility is attributable to efforts by the victim:

32 1. to prevent a crime or delinquent act or an attempted crime  
33 or delinquent act from occurring in the victim's presence; or



1           (2)     An award for loss of earnings or support made under this subtitle  
2 may be up to two-thirds of the victim's gross average wage, but may not be less than  
3 the amount provided in paragraph (1) of this subsection.

4           (3)     An award for funeral expenses may not exceed \$5,000.

5           (4)     Subject to the limitation under subsection (b)(3) of this section and §  
6 11-812 of this [title] SUBTITLE, a person who is eligible for an award as the result of  
7 the death of a victim or psychological injury may be eligible, under the regulations  
8 that the Board adopts, to receive psychiatric, psychological, or mental health  
9 counseling.

10           (5)     SUBJECT TO THE LIMITATION UNDER SUBSECTION (B)(6) OF THIS  
11 SECTION AND § 11-812 OF THIS SUBTITLE, A FAMILY MEMBER WHO IS ELIGIBLE FOR  
12 AN AWARD AS THE RESULT OF THE INJURY OF A VICTIM IS ELIGIBLE TO RECEIVE  
13 PSYCHIATRIC, PSYCHOLOGICAL, OR MENTAL HEALTH COUNSELING.

14       (b)     Compensation awarded under this subtitle may not exceed:

15           (1)     \$25,000 for a disability-related or dependency-related claim;

16           (2)     \$45,000 for a medical claim;

17           (3)     \$5,000 for each claimant for psychiatric, psychological, or mental  
18 health counseling UNDER SUBSECTION (A)(4) OF THIS SECTION; [or]

19           (4)     a total of \$45,000, including any subsequent and supplemental  
20 awards;

21           (5)     \$250 FOR EACH CLAIMANT FOR REPAIR, REPLACEMENT, OR  
22 CLEANING OF PROPERTY DAMAGED, SOILED, OR LITTERED AS A RESULT OF A CRIME  
23 OR LAW ENFORCEMENT INVESTIGATION OF A CRIME; OR

24           (6)     FOR AN AWARD FOR PSYCHIATRIC, PSYCHOLOGICAL, OR MENTAL  
25 HEALTH COUNSELING MADE UNDER SUBSECTION (A)(5) OF THIS SECTION:

26           (I)     \$1,000 FOR EACH CLAIMANT; AND

27           (II)    \$5,000 FOR EACH INCIDENT.

28       (c)     An award made under this subtitle shall be reduced by the amount of any  
29 payments received or to be received as a result of the injury:

30           (1)     from or on behalf of the offender;

31           (2)     from any other public or private source, including an award of the  
32 State Workers' Compensation Commission under the Maryland Workers'  
33 Compensation Act; or

34           (3)     as an emergency award under § 11-813 of this subtitle.

1 (d) If there are two or more persons entitled to an award as a result of the  
2 death of a victim, the award shall be apportioned among the claimants.

3 (e) The Board may negotiate a settlement with a health care provider for the  
4 medical and medically related expenses.

5 **Article - Transportation**

6 20-102.

7 (a) The driver of each vehicle involved in an accident that results in bodily  
8 injury to or death of another person immediately shall stop the vehicle as close as  
9 possible to the scene of the accident, without obstructing traffic more than necessary.

10 (b) The driver of each vehicle involved in an accident that results in bodily  
11 injury to or death of another person immediately shall return to and remain at the  
12 scene of the accident until the driver has complied with § 20-104 of this title.

13 20-104.

14 (a) The driver of each vehicle involved in an accident that results in bodily  
15 injury to or death of any person or in damage to an attended vehicle or other attended  
16 property shall render reasonable assistance to any person injured in the accident and,  
17 if the person requests medical treatment or it is apparent that medical treatment is  
18 necessary, arrange for the transportation of the person to a physician, surgeon, or  
19 hospital for medical treatment.

20 (b) The driver of each vehicle involved in an accident that results in bodily  
21 injury to or death of any person or in damage to an attended vehicle or other attended  
22 property shall give his name, his address, and the registration number of the vehicle  
23 he is driving and, on request, exhibit his license to drive, if it is available, to:

24 (1) Any person injured in the accident; and

25 (2) The driver, occupant of, or person attending any vehicle or other  
26 property damaged in the accident.

27 (c) The driver of each vehicle involved in an accident that results in bodily  
28 injury to or death of any person or in damage to an attended vehicle or other attended  
29 property shall give the same information described in subsection (b) of this section  
30 and, on request, exhibit his license to drive, if it is available, to any police officer who  
31 is at the scene of or otherwise is investigating the accident.

32 (d) If a police officer is not present and none of the specified persons is in  
33 condition to receive the information to which the person otherwise would be entitled  
34 under this section, the driver, after fulfilling to the extent possible every other  
35 requirement of § 20-102 of this title and subsection (a) of this section, immediately  
36 shall report the accident to the nearest office of an authorized police authority and  
37 give the information specified in subsection (b) of this section.

1 21-902.

2 (a) (1) A person may not drive or attempt to drive any vehicle while  
3 intoxicated.

4 (2) A person may not drive or attempt to drive any vehicle while the  
5 person is intoxicated per se.

6 (b) A person may not drive or attempt to drive any vehicle while under the  
7 influence of alcohol.

8 (c) (1) A person may not drive or attempt to drive any vehicle while he is so  
9 far under the influence of any drug, any combination of drugs, or a combination of one  
10 or more drugs and alcohol that he cannot drive a vehicle safely.

11 (2) It is not a defense to any charge of violating this subsection that the  
12 person charged is or was entitled under the laws of this State to use the drug,  
13 combination of drugs, or combination of one or more drugs and alcohol, unless the  
14 person was unaware that the drug or combination would make him incapable of  
15 safely driving a vehicle.

16 (d) A person may not drive or attempt to drive any vehicle while he is under  
17 the influence of any controlled dangerous substance, as that term is defined in Article  
18 27, § 279 of the Code, if the person is not entitled to use the controlled dangerous  
19 substance under the laws of this State.

20 21-904.

21 (a) In this section "visual or audible signal" includes a signal by hand, voice,  
22 emergency light or siren.

23 (b) If a police officer gives a visual or audible signal to stop and the police  
24 officer is in uniform, prominently displaying the police officer's badge or other  
25 insignia of office, a driver of a vehicle may not attempt to elude the police officer by  
26 willfully failing to stop the driver's vehicle.

27 (c) If a police officer gives a visual or audible signal to stop and the police  
28 officer is in uniform, prominently displaying the police officer's badge or other  
29 insignia of office, a driver may not attempt to elude the police officer by fleeing on  
30 foot.

31 (d) If a police officer gives a visual or audible signal to stop and the police  
32 officer is in uniform, prominently displaying the police officer's badge or other  
33 insignia of office, a driver may not attempt to elude the police officer by any other  
34 means.

35 (e) If a police officer gives a visual or audible signal to stop and the police  
36 officer, whether or not in uniform, is in a vehicle appropriately marked as an official  
37 police vehicle, a driver of a vehicle may not attempt to elude the police officer by  
38 willfully failing to stop the driver's vehicle.

1 (f) If a police officer gives a visual or audible signal to stop and the police  
2 officer, whether or not in uniform, is in a vehicle appropriately marked as an official  
3 police vehicle, a driver of a vehicle may not attempt to elude the police officer by  
4 fleeing on foot.

5 (g) If a police officer gives a visual or audible signal to stop and the police  
6 officer, whether or not in uniform, is in a vehicle appropriately marked as an official  
7 police vehicle, a driver of a vehicle may not attempt to elude the police officer by any  
8 other means.

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