
By: **Chairman, Judicial Proceedings Committee (By Request -
Departmental - Public Safety and Correctional Services)**

Introduced and read first time: January 27, 2003

Rules suspended

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: February 18, 2003

CHAPTER 16

1 AN ACT concerning

2 **Criminal Injuries Compensation - Awards for Lost Earnings and Injury**
3 **Resulting in Permanent Total Disability**

4 FOR the purpose of making certain victims eligible for certain awards from the
5 Criminal Injuries Compensation Fund that relate to lost earnings by a parent or
6 guardian of a child victim under certain circumstances and to individuals who
7 are awarded a certain disability claim; and generally relating to the Criminal
8 Injuries Compensation Board and Fund.

9 BY repealing and reenacting, with amendments,
10 Article - Criminal Procedure
11 Section 11-811
12 Annotated Code of Maryland
13 (2001 Volume and 2002 Supplement)

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

16 **Article - Criminal Procedure**

17 11-811.

18 (a) (1) (i) Except as otherwise provided in this subsection, an award
19 under this subtitle shall be made in accordance with the schedule of benefits, as it
20 existed on January 1, 2001, and degree of disability as specified in Title 9, Subtitle 6
21 of the Labor and Employment Article and any other applicable provisions of the Labor

1 and Employment Article, except for Title 9, Subtitle 8 of the Labor and Employment
2 Article.

3 (ii) For determining the amount of an award under this subtitle,
4 the term "average weekly wages" does not include tips, gratuities, and wages that are
5 undeclared on the claimant's State or federal income tax returns for the applicable
6 years.

7 (iii) If a claimant does not have "average weekly wages" to qualify
8 under the formula in Title 9, Subtitle 6 of the Labor and Employment Article, the
9 award shall be in an amount equal to the average of the maximum and minimum
10 awards listed in the applicable portion of that subtitle.

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

14 (3) THE PARENT OR GUARDIAN OF A VICTIM WHO IS A CHILD AND WHO
15 RESIDES WITH THE VICTIM MAY BE ELIGIBLE FOR AN AWARD OF UP TO 30 DAYS OF
16 LOST EARNINGS AS A RESULT OF CARING FOR THE VICTIM.

17 [(3)] (4) An award for funeral expenses may not exceed \$5,000.

18 [(4)] (5) Subject to the limitation under subsection (b)(3) of this section
19 and § 11-812 of this subtitle, a person who is eligible for an award as the result of the
20 death of a victim or psychological injury may be eligible, under the regulations that
21 the Board adopts, to receive psychiatric, psychological, or mental health counseling.

22 [(5)] (6) Subject to the limitation under subsection (b)(6) of this section
23 and § 11-812 of this subtitle, a parent, child, or spouse of a victim who resides with
24 the victim and who is eligible for an award as the result of the injury of a victim is
25 eligible to receive psychiatric, psychological, or mental health counseling.

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

27 (1) [\$25,000] for a disability-related or dependency-related claim[;]:

28 (I) EXCEPT AS PROVIDED IN ITEM (II) OF THIS PARAGRAPH, \$25,000;
29 OR

30 (II) IF THE INJURY TO THE VICTIM RESULTS IN PERMANENT TOTAL
31 DISABILITY, UP TO AN ADDITIONAL \$25,000 AFTER A DISABILITY-RELATED CLAIM
32 HAS BEEN AWARDED TO THE VICTIM;

33 (2) \$45,000 for a medical claim;

34 (3) \$5,000 for each claimant for psychiatric, psychological, or mental
35 health counseling under subsection (a)(4) of this section;

1 (4) EXCEPT AS PROVIDED IN ITEM (1)(II) OF THIS SUBSECTION, a total of
2 \$45,000, including any subsequent and supplemental awards;

3 (5) \$250 for each claimant for repair, replacement, or cleaning of
4 property damaged, soiled, or littered as a result of a crime or law enforcement
5 investigation of a crime; or

6 (6) for an award for psychiatric, psychological, or mental health
7 counseling made under subsection [(a)(5)] (A)(6) of this section:

8 (i) \$1,000 for each claimant; and

9 (ii) \$5,000 for each incident.

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

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

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

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

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

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

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
22 effect October 1, 2003.