

SENATE BILL 50

E2
SB 123/10 – JPR

11r0541

By: **Senators Brochin, Frosh, and Stone**
Introduced and read first time: January 18, 2011
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Victim’s Compensation – Temporary Lodging for**
3 **Domestic Violence Victims**

4 FOR the purpose of making certain victims eligible for certain monetary awards for
5 temporary lodging for a certain period from the Criminal Injuries Compensation
6 Fund under certain circumstances; and generally relating to awards from the
7 Criminal Injuries Compensation Fund.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Procedure
10 Section 11–811
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2010 Supplement)

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

15 **Article – Criminal Procedure**

16 11–811.

17 (a) (1) (i) Except as otherwise provided in this subsection, an award
18 under this subtitle shall be made in accordance with the schedule of benefits, as it
19 existed on January 1, 2001, and degree of disability as specified in Title 9, Subtitle 6 of
20 the Labor and Employment Article and any other applicable provisions of the Labor
21 and Employment Article, except for Title 9, Subtitle 8 of the Labor and Employment
22 Article.

23 (ii) For determining the amount of an award under this subtitle,
24 the term “average weekly wages” does not include tips, gratuities, and wages that are

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 undeclared on the claimant's State or federal income tax returns for the applicable
2 years.

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

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

10 (3) The parent or guardian of a victim who is a child and who resides
11 with the victim may be eligible for an award of up to 30 days of lost earnings as a
12 result of caring for the victim.

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

14 (5) Subject to the limitation under subsection (b)(3) of this section and
15 § 11-812 of this subtitle, a person who is eligible for an award as the result of the
16 death of a victim or psychological injury may be eligible, under the regulations that
17 the Board adopts, to receive psychiatric, psychological, or mental health counseling.

18 (6) Subject to the limitation under subsection (b)(6) of this section and
19 § 11-812 of this subtitle, a parent, child, or spouse of a victim who resides with the
20 victim and who is eligible for an award as the result of the injury of a victim is eligible
21 to receive psychiatric, psychological, or mental health counseling.

22 **(7) A VICTIM OF DOMESTIC VIOLENCE IS ELIGIBLE TO RECEIVE**
23 **AN AWARD FOR THE REASONABLE COSTS OF UP TO 14 DAYS OF TEMPORARY**
24 **LODGING IF:**

25 **(I) THE VICTIM IS ELIGIBLE FOR THE AWARD AS THE**
26 **RESULT OF AN INJURY RESULTING FROM THE DOMESTIC VIOLENCE INCIDENT;**
27 **AND**

28 **(II) THE VICTIM SOUGHT TEMPORARY LODGING TO AVOID**
29 **FURTHER INJURY.**

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

31 (1) for a disability-related or dependency-related claim:

32 (i) except as provided in item (ii) of this paragraph, \$25,000; or

1 (ii) if the injury to the victim results in permanent total
2 disability, up to an additional \$25,000 after a disability-related claim has been
3 awarded to the victim;

4 (2) \$45,000 for a medical claim;

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

7 (4) except as provided in item (1)(ii) of this subsection, a total of
8 \$45,000, including any subsequent and supplemental awards;

9 (5) \$250 for each claimant for repair, replacement, or cleaning of
10 property damaged, soiled, or littered as a result of a crime or law enforcement
11 investigation of a crime; or

12 (6) for an award for psychiatric, psychological, or mental health
13 counseling made under subsection (a)(6) of this section:

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

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

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

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

19 (2) except as provided in item (3) of this subsection, from any other
20 public or private source, including an award of the State Workers' Compensation
21 Commission under the Maryland Workers' Compensation Act;

22 (3) from any proceeds of life insurance in excess of \$25,000; or

23 (4) as an emergency award under § 11-813 of this subtitle.

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

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

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2011.