

SENATE BILL 51

E2

11r0507

By: **Senators Brochin and Stone**

Introduced and read first time: January 18, 2011

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Criminal Injuries Compensation Board – Claimant**
3 **Confidentiality and Eligibility**

4 FOR the purpose of prohibiting the disclosure of the identity or contact information of
5 a certain victim or claimant by the Criminal Injuries Compensation Board;
6 prohibiting a person who has been convicted of certain offenses from receiving a
7 certain award from the Board; and generally relating to the Criminal Injuries
8 Compensation Board.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Procedure
11 Section 11–806 and 11–808(a)
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2010 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 11–806.

18 (a) Except as provided under [subsection (b)] **SUBSECTIONS (B) AND (C)** of
19 this section, the record of a proceeding before the Board or a Board member is a public
20 record.

21 (b) If the confidentiality of a record or report that the Board obtains is
22 protected by law or regulation, the record or report shall remain confidential, subject
23 to the law or regulation.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(C) THE BOARD MAY NOT ALLOW THE INSPECTION, USE, OR**
2 **DISCLOSURE OF A NAME, ADDRESS, TELEPHONE NUMBER, OR SOCIAL SECURITY**
3 **NUMBER PROVIDED TO THE BOARD FOR A VICTIM OR A CLAIMANT WHO IS A**
4 **VICTIM OF A SEXUAL OFFENSE UNDER TITLE 3, SUBTITLE 3 OF THE CRIMINAL**
5 **LAW ARTICLE.**

6 11-808.

7 (a) (1) Except as provided in paragraph (2) of this subsection, the
8 following persons are eligible for awards in the manner provided under this subtitle:

9 (i) a victim;

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

11 1. a crime or delinquent act;

12 2. trying to prevent a crime or delinquent act or an
13 attempted crime or delinquent act from occurring in the victim's presence or trying to
14 apprehend a person who had committed a crime or delinquent act in the victim's
15 presence or had committed a felony or a delinquent act that would be considered a
16 felony if committed by an adult; or

17 3. helping a law enforcement officer perform the officer's
18 duties or helping a member of a fire department who is obstructed from performing
19 the member's duties;

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

22 1. a crime or delinquent act;

23 2. trying to prevent a crime or delinquent act or an
24 attempted crime or delinquent act from occurring in the victim's presence or trying to
25 apprehend a person who had committed a crime or delinquent act in the victim's
26 presence or had committed a felony; or

27 3. helping a law enforcement officer perform the officer's
28 duties or helping a member of a fire department who is obstructed from performing
29 the member's duties; and

30 (iv) 1. a parent, child, or spouse of a victim who resides with
31 the victim; or

32 2. a parent, child, or spouse of an individual who is
33 incarcerated for abuse as defined in § 4-501 of the Family Law Article and who, prior
34 to incarceration:

- 1 A. resided with the parent, child, or spouse; and
2 B. provided financial support to the parent, child, or
3 spouse.

4 (2) **[A] THE FOLLOWING PERSONS ARE NOT ELIGIBLE FOR AN**
5 **AWARD UNDER THIS SUBTITLE:**

6 **(I)** A person who commits the crime or delinquent act that is
7 the basis of a claim, or an accomplice of the person, is not eligible to receive an award
8 with respect to [the] **THAT** claim; **AND**

9 **(II)** **A PERSON WHO HAS EVER BEEN CONVICTED OF:**

10 1. **MURDER OR ATTEMPTED MURDER UNDER §**
11 **2-201, § 2-204, § 2-205, OR § 2-206 OF THE CRIMINAL LAW ARTICLE;**

12 2. **A SEXUAL OFFENSE UNDER § 3-303, § 3-304, §**
13 **3-305, § 3-306, § 3-307, § 3-309, § 3-310, § 3-311, § 3-312, § 3-315, § 3-321, §**
14 **3-323, § 3-324, OR § 3-602 OF THE CRIMINAL LAW ARTICLE;**

15 3. **ROBBERY UNDER § 3-402 OR § 3-403 OF THE**
16 **CRIMINAL LAW ARTICLE;**

17 4. **CARJACKING UNDER § 3-405 OF THE CRIMINAL**
18 **LAW ARTICLE;**

19 5. **KIDNAPPING UNDER § 3-502 OF THE CRIMINAL**
20 **LAW ARTICLE;**

21 6. **CHILD KIDNAPPING UNDER § 3-503 OF THE**
22 **CRIMINAL LAW ARTICLE;**

23 7. **CHILD ABUSE UNDER § 3-601 OF THE CRIMINAL**
24 **LAW ARTICLE;**

25 8. **DISARMING A LAW ENFORCEMENT OFFICER**
26 **UNDER § 4-103 OF THE CRIMINAL LAW ARTICLE;**

27 9. **A WEAPONS OFFENSE UNDER § 4-404 OF THE**
28 **CRIMINAL LAW ARTICLE;**

29 10. **A CONTROLLED DANGEROUS SUBSTANCE**
30 **OFFENSE UNDER § 5-613 OF THE CRIMINAL LAW ARTICLE;**

1 **11. ARSON UNDER § 6-102 OR § 6-103 OF THE**
2 **CRIMINAL LAW ARTICLE;**

3 **12. MALICIOUS BURNING OF PROPERTY UNDER §**
4 **6-104 OF THE CRIMINAL LAW ARTICLE;**

5 **13. A FELONY VIOLATION OF § 9-303 (RETALIATION**
6 **AGAINST VICTIM OR WITNESS TESTIFYING) OR § 9-305 (VICTIM, WITNESS,**
7 **JUROR, OR COURT OFFICER INTIMIDATION) OF THE CRIMINAL LAW ARTICLE;**
8 **OR**

9 **14. A VIOLATION OF TITLE 20, SUBTITLE 6 (FEMALE**
10 **GENITAL MUTILATION) OF THE HEALTH – GENERAL ARTICLE.**

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