

HOUSE BILL 1244

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4r2522
CF SB 830

By: **Delegates Waldstreicher and Valderrama**

Introduced and read first time: February 7, 2014

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Criminal Injuries Compensation Board – Child Abuse**
3 **Victims**

4 FOR the purpose of altering the date by which, in a case of child abuse, a certain
5 claimant may file a claim with the Criminal Injuries Compensation Board; and
6 generally relating to the Criminal Injuries Compensation Board.

7 BY repealing and reenacting, without amendments,
8 Article – Criminal Procedure
9 Section 11–808
10 Annotated Code of Maryland
11 (2008 Replacement Volume and 2013 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Criminal Procedure
14 Section 11–809(a)
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2013 Supplement)

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

19 **Article – Criminal Procedure**

20 11–808.

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

23 (i) a victim;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 1. a crime or delinquent act;

3 2. trying to prevent a crime or delinquent act or an
4 attempted crime or delinquent act from occurring in the victim's presence or trying to
5 apprehend a person who had committed a crime or delinquent act in the victim's
6 presence or had committed a felony or a delinquent act that would be considered a
7 felony if committed by an adult; 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;

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

13 1. a crime or delinquent act;

14 2. trying to prevent a crime or delinquent act or an
15 attempted crime or delinquent act from occurring in the victim's presence or trying to
16 apprehend a person who had committed a crime or delinquent act in the victim's
17 presence or had committed a felony; or

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

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

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

26 A. resided with the parent, child, or spouse; and

27 B. provided financial support to the parent, child, or
28 spouse.

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

32 (b) A resident of the State is eligible for an award under this subtitle if the
33 resident becomes a victim in another state other than this State that:

1 (1) does not operate a criminal injuries compensation program;

2 (2) operates a criminal injuries compensation program for which the
3 victim is ineligible; or

4 (3) operates a criminal injuries compensation program for which
5 money has not been appropriated or made available.

6 (c) (1) A person eligible to receive an award under subsection (a) or (b) of
7 this section may file a claim under this subtitle.

8 (2) If a person eligible to receive an award is under 18 years of age, the
9 person's parent or guardian may file a claim under this subtitle.

10 (3) If a person eligible to receive an award is mentally incompetent,
11 the person's guardian or other person authorized to administer the person's estate
12 may file the claim on the person's behalf.

13 11-809.

14 (a) (1) **[A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
15 **SUBSECTION, A claimant shall file a claim not later than 3 years after the occurrence**
16 **of the crime or delinquent act or the death of the victim.**

17 (2) In a case of child abuse, a claimant may file a claim:

18 **(I) up to [3 years after the claimant knew or should have**
19 **known of the child abuse] THE DATE THE CHILD WHO WAS THE SUBJECT OF THE**
20 **ABUSE REACHES THE AGE OF 25 YEARS; OR**

21 **(II) IF THE BOARD DETERMINES THAT THERE WAS GOOD**
22 **CAUSE FOR FAILURE TO FILE A CLAIM BEFORE THE DATE THE CHILD WHO WAS**
23 **THE SUBJECT OF THE ABUSE REACHED THE AGE OF 25 YEARS, AT ANY TIME.**

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2014.