Article - Criminal Procedure

[Previous][Next]

§11–624.

(a) The Attorney General shall deposit money received under this subtitle in an interest bearing escrow account.

(b) Except as provided in § 11-625 of Part II of this subtitle and subsection (e) of this section, the Attorney General shall hold money for the benefit of and payable to the victim or victim's representative, as provided in subsection (c) of this section.

(c) (1) Subject to the priority of claims stated in § 11-628 of Part II of this subtitle, the Attorney General shall pay to the victim or victim's representative money from the escrow account to the extent of the money judgment or the amount of restitution if, within 5 years after the escrow account is established, the victim or victim's representative:

(i) brings or has pending a civil action against the defendant in a court of competent jurisdiction;

(ii) has recovered a money judgment for damages against the defendant; or

(iii) has been awarded restitution.

(2) Any money that then remains in the escrow account shall be paid as this section provides.

(3) Money may not be paid under this subsection until the defendant:

(i) has been found guilty;

(ii) has pleaded nolo contendere;

(iii) has been placed on probation before judgment; or

(iv) has been found not criminally responsible for criminal conduct under § 3-109 of this article.

(d) (1) At least once every 6 months for 5 years after the date the Attorney General receives money or other consideration under this subtitle, the Attorney General shall publish a legal notice in a newspaper of general circulation in the county where the crime was committed and in counties contiguous to that county.

(2) The notice shall advise the victim or victim's representative that escrow money is available to satisfy money judgments under this subtitle.

(3) The Attorney General may provide for any further notice that the Attorney General considers necessary.

(e) Except as provided in subsection (f) of this section, the Attorney General shall pay over to the defendant all of the money from the escrow account if:

(1) the charges against the defendant are dismissed;

(2) a nolle prosequi is entered;

(3) the defendant is acquitted;

(4) the defendant is found to be incompetent to stand trial under § 3-106 of this article and at least 5 years have passed since that finding without a further disposition of the charge; or

(5) the charges against the defendant are placed on the stet docket, and at least 3 years have passed.

(f) Notwithstanding § 11-628 of Part II of this subtitle, if a defendant was convicted before July 1, 1987, the Attorney General shall pay over to the defendant:

(1) all money in the escrow account if:

(i) at least 5 years have passed since the escrow account was established; and

(ii) no action by the victim or victim's representative is pending against the defendant; or

(2) all money remaining in the escrow account after payment of the claims described in § 11-628 of Part II of this subtitle.

[Previous][Next]