

Article - Criminal Procedure

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§11–810.

- (a) (1) The Board may make an award only if the Board finds that:
- (i) a crime or delinquent act was committed;
 - (ii) the crime or delinquent act directly resulted in:
 - 1. physical injury to or death of the victim; or
 - 2. psychological injury to the victim that necessitated mental health counseling;
 - (iii) police, other law enforcement, or judicial records show that the crime or delinquent act or the discovery of child abuse was reported to the proper authorities within 48 hours after the occurrence of the crime or delinquent act or the discovery of the child abuse; and
 - (iv) the victim has cooperated fully with all law enforcement units.
- (2) For good cause, the Board may waive the requirements of paragraph (1)(iii) and (iv) of this subsection.
- (b) Unless total dependency is established, family members are considered to be partly dependent on a parent with whom they reside without regard to actual earnings.
- (c) The Board may make an award only if the claimant, as a result of the injury on which the claim is based, has:
- (1) incurred at least \$100 in unreimbursed and unreimbursable expenses or indebtedness reasonably incurred or claimed for:
 - (i) medical care;
 - (ii) expenses for eyeglasses and other corrective lenses;
 - (iii) mental health counseling;
 - (iv) funeral expenses;
 - (v) repairing, replacing, or cleaning property;
 - (vi) disability or dependent claim; or
 - (vii) other necessary services; or

(2) lost at least 2 continuous weeks' earnings or support.

(d) (1) (i) Except as provided under subparagraph (ii) of this paragraph, in considering a claim and in determining the amount of an award, the Board shall determine whether the victim's conduct contributed to the infliction of the victim's injury, and, if so, reduce the amount of the award or reject the claim.

(ii) The Board may disregard the responsibility of the victim for the victim's own injury if that responsibility is attributable to efforts by the victim:

1. to prevent a crime or delinquent act or an attempted crime or delinquent act from occurring in the victim's presence; or

2. to apprehend an offender who had committed a crime or delinquent act in the victim's presence or had committed a felony or delinquent act that would be a felony if committed by an adult.

(2) A claimant filing for injuries incurred as the occupant of a motor vehicle or a dependent of an occupant of a motor vehicle operated in violation of § 21-902 of the Transportation Article may not receive an award unless the claimant proves that the occupant did not know or could not have known of the condition of the operator of the vehicle.

(3) A claimant may not receive an award if:

(i) the victim initiated, consented to, provoked, or unreasonably failed to avoid a physical confrontation with the offender; or

(ii) the victim was participating in a crime or delinquent act when the injury was inflicted.

(e) (1) A victim or dependent may not be denied compensation solely because the victim:

(i) is a relative of the offender; or

(ii) was living with the offender as a family member or household member at the time of the injury or death.

(2) If the Board can reasonably determine that the offender will not receive any economic benefit or undue enrichment from the compensation, the Board may award compensation to a victim or dependent who is a relative, family member, or household member of the offender.

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