

## Article - Criminal Procedure

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§11-811.

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

(ii) For determining the amount of an award under this subtitle, the term “average weekly wages” does not include tips, gratuities, and wages that are undeclared on the claimant’s State or federal income tax returns for the applicable years.

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

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

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

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

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

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

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

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

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

(ii) if the injury to the victim results in permanent total disability,

up to an additional \$25,000 after a disability-related claim has been awarded to the victim;

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

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

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

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

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

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

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

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

(1) from or on behalf of the offender;

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

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

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

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

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

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