

HOUSE BILL 295

E2

7lr0976

By: **Delegate Kramer**

Introduced and read first time: January 25, 2017

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2017

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Criminal Injuries Compensation Board – Impaired**
3 **Boating**

4 FOR the purpose of making victims of a certain offense involving the operation of a vessel
5 while under the influence of or impaired by alcohol or drugs eligible for payment
6 through the Criminal Injuries Compensation Board; ~~providing for the retroactive~~
7 ~~application of this Act; authorizing the refiling of certain previously denied claims;~~
8 ~~authorizing the late filing of certain unfiled claims; providing for the prospective~~
9 ~~application of this Act; and generally relating to the Criminal Injuries Compensation~~
10 Board.

11 BY repealing and reenacting, without amendments,
12 Article – Criminal Procedure
13 Section 11–801(a), (b), and (c)
14 Annotated Code of Maryland
15 (2008 Replacement Volume and 2016 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Criminal Procedure
18 Section 11–801(d)
19 Annotated Code of Maryland
20 (2008 Replacement Volume and 2016 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Article – Criminal Procedure

11–801.

(a) In this subtitle the following words have the meanings indicated.

(b) “Board” means the Criminal Injuries Compensation Board.

(c) “Claimant” means the person filing a claim under this subtitle.

(d) (1) “Crime” means:

(i) except as provided in paragraph (2) of this subsection, a criminal offense under state, federal, or common law that is committed in:

1. this State; or

2. another state against a resident of this State; or

(ii) an act of international terrorism as defined in Title 18, § 2331 of the United States Code that is committed outside of the United States against a resident of this State.

(2) “Crime” does not include an act involving the operation of a vessel or motor vehicle unless the act is:

(i) a violation of § 20–102, § 20–104, § 21–902, or § 21–904 of the Transportation Article; [or]

(II) A VIOLATION OF § 8–738 OF THE NATURAL RESOURCES ARTICLE; OR

~~[(ii)] (iii)~~ operating a motor vehicle or vessel that results in an intentional injury.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect any injury arising from a violation of § 8–738 of the Natural Resources Article occurring on or after January 1, 2012.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That a claimant who has been denied compensation by the Criminal Injuries Compensation Board for injuries arising out of a violation of § 8–738 of the Natural Resources Article shall be permitted to refile his or her claim to be considered for compensation, provided that:~~

~~(1) the original claim was filed on or after January 1, 2012; and~~

1 (2) ~~the refiled claim is filed within 2 years after the effective date of this~~
2 ~~Act.~~

3 ~~SECTION 4. AND BE IT FURTHER ENACTED, That a claim for compensation~~
4 ~~resulting from injuries arising out of a violation of § 8-738 of the Natural Resources Article~~
5 ~~occurring on or after January 1, 2012, may not be barred by the Criminal Injuries~~
6 ~~Compensation Board as untimely under § 11-809(a) of the Criminal Procedure Article or~~
7 ~~any other provision of law, for up to 2 years after the effective date of this Act.~~

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
9 apply only prospectively and may not be applied or interpreted to have any effect on or
10 application to any final decision of the Secretary of Public Safety and Correctional Services,
11 for which the time for appeal of the decision has expired, made before the effective date of
12 this Act.

13 SECTION ~~5.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.