

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 767

(Senator Ready)

Judicial Proceedings

Judiciary

Criminal Injuries Compensation – Acts Involving Operation of Vessel or Motor Vehicle

This bill establishes that a victim of a violation of the Criminal Law Article or a violation of federal law or the law of another state that is substantially equivalent to a violation listed under § 11-801(d)(2) of the Criminal Procedure Article, as required under specified provisions of federal law, that involved the operation of a vessel or motor vehicle is eligible for financial assistance for victims of crime through the Criminal Injuries Compensation Board (CICB). The bill must be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any final decision by the Secretary of Public Safety and Correctional Services, for which the time for appeal of the decision has expired, made before the bill's October 1, 2018 effective date.

Fiscal Summary

State Effect: Potential minimal increase in special fund expenditures from payments of claims eligible as a result of the bill. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The Criminal Injuries Compensation Fund (CICF), which is within the Department of Public Safety and Correctional Services, is a special fund that provides financial assistance for innocent victims of crime. CICB may compensate victims who suffer physical or psychological injury for their medical expenses and loss of earnings but

only if the injury is a direct result of a criminal or delinquent offense. In cases of homicide, the board may assist with funeral expenses and loss of support on the part of the victim's dependents. A claimant seeking compensation from CICF must file a claim no later than three years after the occurrence of the crime or delinquent act or the death of the victim. In a case of child abuse, a claimant may file a claim up to three years after the claimant knew or should have known of the abuse. A person who commits the crime or delinquent act that is the basis of a claim, or an accomplice of the person, is not eligible to receive an award.

The definition of "crime" for purposes of eligibility for CICF awards means a criminal offense under state, federal or common law that is committed in this State, committed in another state against a resident of this State, or an act of international terrorism against a resident of this State. "Crime" excludes an act involving the operation of a vessel or motor vehicle unless the act is a violation of specified statutory provisions. Those provisions are:

- Transportation Article, § 20-102 (failing to remain at the scene of an accident resulting in bodily injury or death); § 20-104 (duty to give information and render aid at an accident); § 21-902 (driving while under the influence of alcohol, while impaired by alcohol, while impaired by drug(s), etc.); and § 21-904 (fleeing and eluding police);
- operating a motor vehicle or vessel that results in an intentional injury; and
- operating a vessel while under the influence of alcohol or impaired by alcohol or drugs under § 8-738 of the Natural Resources Article (added pursuant to Chapter 671 of 2017).

Grants may not exceed \$45,000, including any subsequent and supplemental awards, with the exception of victims suffering permanent total disability. If a disability-related claim of \$25,000 has been awarded to the victim and the injury to the victim resulted in permanent total disability, the victim may request an additional award of up to \$25,000.

Background: After a period of decline in the number of eligible claims received, CICB has experienced an upward trend in eligible and total claims. While the total number of claims has remained consistently in the 1,500 range annually, the percentage of eligible claims has risen above 90% since fiscal 2014, and in fiscal 2017, 99% of claims were eligible, with no change expected for fiscal 2018.

The Governor's proposed fiscal 2019 budget includes approximately \$3.6 million in funding for grant awards made from CICF to victims of crime. Funding for these grants is paid for by CICF from fees assessed by circuit courts and the District Court. CICF is also supplemented by federal funds.

Special fund revenue from court fees used for CICF awards has declined by an average of \$200,000 per year. Because this amount affects the number of awards that can be made, it also affects the 60% match received in federal funds for awards. In fiscal 2017, the percentage of eligible claims that received awards fell from 50% to 39% but is expected to rebound to 46% in fiscal 2018.

CICB advises that a review of claims related to the operation of a motor vehicle or vessel for fiscal 2016 through 2018 reveals no claim whose outcome would have been altered had this bill been in effect.

Additional Information

Prior Introductions: None.

Cross File: HB 1451 (Delegate Vallario, *et al.*) - Judiciary.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services; Department of Legislative Services

Fiscal Note History: First Reader - February 26, 2018
mm/kdm Third Reader - April 9, 2018

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