

HOUSE BILL 493

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By: **Delegates Cox and Arikan**

Introduced and read first time: January 24, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Criminal Injuries Compensation Fund – Conditions for**
3 **Awards on Claims**

4 FOR the purpose of authorizing the Criminal Injuries Compensation Board to make an
5 award if a crime or delinquent act directly resulted in damage to the property of a
6 certain victim under certain circumstances; requiring the Board to waive certain
7 requirements if good cause is shown; and generally relating to the Criminal Injuries
8 Compensation Board.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Procedure
11 Section 11–810
12 Annotated Code of Maryland
13 (2018 Replacement Volume and 2019 Supplement)

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

16 **Article – Criminal Procedure**

17 11–810.

18 (a) (1) The Board may make an award only if the Board finds that:

19 (i) a crime or delinquent act was committed;

20 (ii) the crime or delinquent act directly resulted in:

21 1. physical injury to or death of the victim; [or]

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 2. psychological injury to the victim that necessitated mental
2 health counseling; OR

3 **3. DAMAGE TO THE PROPERTY OF THE VICTIM;**

4 (iii) police, other law enforcement, or judicial records show that the
5 crime or delinquent act or the discovery of child abuse was reported to the proper
6 authorities within 48 hours after the occurrence of the crime or delinquent act or the
7 discovery of the child abuse; and

8 (iv) the victim has cooperated fully with all law enforcement units.

9 (2) For good cause **SHOWN**, the Board [may] **SHALL** waive the
10 requirements of paragraph (1)(iii) and (iv) of this subsection.

11 (b) Unless total dependency is established, family members are considered to be
12 partly dependent on a parent with whom they reside without regard to actual earnings.

13 (c) The Board may make an award only if the claimant, as a result of the injury
14 on which the claim is based, has:

15 (1) incurred at least \$100 in unreimbursed and unreimbursable expenses
16 or indebtedness reasonably incurred or claimed for:

17 (i) medical care;

18 (ii) expenses for eyeglasses and other corrective lenses;

19 (iii) mental health counseling;

20 (iv) funeral expenses;

21 (v) repairing, replacing, or cleaning property;

22 (vi) disability or dependent claim; or

23 (vii) other necessary services; or

24 (2) lost at least \$100 in earnings or support.

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

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

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

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

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

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

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

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

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

18 (i) is a relative of the offender; or

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

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

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2020.