

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Department of Public Safety and Correctional Services
(DLS Control No. 14-020)**

Overview and Legal and Fiscal Impact

These regulations increase from two years to three years the time limit for filing a claim in a case of child abuse, thus conforming to the three-year period in § 11-809(a)(2) of the Criminal Procedure Article. Other regulations are similarly updated to reflect current law.

The regulations present no legal issue of concern.

There is no material fiscal impact on State or local agencies.

Regulations of COMAR Affected

Department of Public Safety and Correctional Services:
Criminal Injuries Compensation Board: General Regulations:
COMAR 12.01.01.04-.12

Legal Analysis

Background

The Criminal Injuries Compensation Board in the Department of Public Safety and Correctional Services provides financial assistance for innocent victims of crime. The board may compensate victims who suffer physical or psychological injury for their medical expenses and loss of earnings. In cases of homicide, the board may assist with funeral expenses and loss of support on the part of the victim's dependents.

Summary of Regulations

Until several years ago, claimants had 180 days to file an application with the compensation board. If a claimant applied after 180 days, the claimant needed to provide good cause for this delay. The claimant then had up to two years to file an application. Currently, however, Maryland law generally allows all claimants three years to file an application from the date of the incident. For a child abuse claim, the three-year period begins when the claimant knew or should have known of the child abuse. As proposed, the regulations reflect statute.

The regulations also allow a claimant or claimant's attorney to file a claim by regular mail, facsimile, electronic mail, or, if available, the department's website. Current regulations allow a filing only in person or by certified mail, return receipt requested.

Legal Issue

The regulations present no legal issue of concern.

Statutory Authority and Legislative Intent

The department cites § 11-805 of the Criminal Procedure Article as authority for the regulations. Section 11-805 specifies the powers and duties of the board, including the power to adopt regulations to carry out the provisions and purposes of the Criminal Injuries Compensation Board subtitle. The department could have also cited § 11-809(a) of the Criminal Procedure Article for additional clarity, which authorizes a claim to be filed within three years for child abuse cases. This authority is correct and complete. The regulations comply with the legislative intent of the law.

Fiscal Analysis

There is no material fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The regulations (1) update existing regulations to reflect a 2004 statutory change that increased the time limit for filing a claim related to child abuse from two years to three years, beginning from the time the claimant knew or should have known about the child abuse; (2) establish alternate procedures for processing claims for supplemental awards for \$1,000 or less; (3) allow a certain mail notification by first class mail rather than by certified mail return receipt requested; (4) delete references to an obsolete "sunset provision"; and (5) make certain stylistic and formatting corrections. The department advises that the regulations have minimal or no impact on State or local governments. The Department of Legislative Services concurs. Any potential savings for the department from alternate claims processing procedures and changes to mail notifications are assumed to be minimal.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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