

**Department of Fiscal Services**  
Maryland General Assembly

**FISCAL NOTE**  
**Revised**

House Bill 770 (Delegate Vallario, *et al.*)

(Task Force to Examine Maryland's Crime Victims' Rights Laws)

Judiciary

Referred to Judicial Proceedings

**Wrongful Death - Damages**

This amended bill provides that a secondary claimant may be entitled to noneconomic damages in a wrongful death action for the death of a child or a parent. A secondary claimant is defined as the parent of a child who is not a minor, or a child who is not a primary claimant as described in the bill. Persons substantially dependent upon the deceased, and related to the deceased by blood or marriage, may also be entitled to noneconomic damages in a wrongful death action under specified circumstances. The bill also removes the conditions under which a secondary claimant may receive noneconomic damages. The deceased no longer needs to be unmarried, under 21 years old, or have 50% or more parental support. The bill specifies that the parental support of the deceased must be within the 12-month period immediately before the date of the death of the child. Finally, the bill alters the method by which the court must allocate noneconomic damages for primary and secondary beneficiaries. The bill applies prospectively only.

**Fiscal Summary**

**State Effect:** None. The bill does not substantively change State activities or operations.

**Local Effect:** None.

**Small Business Effect:** None. The bill would not directly affect small businesses.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Fiscal Services

**Fiscal Note History:** First Reader - February 20, 1997

lc Revised - House Third Reader - March 27, 1997

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