
By: **Delegates Grosfeld, Petzold, Menes, Pitkin, Hubbard, Frush, Faulkner,
Conroy, and Genn**

Introduced and read first time: February 13, 1998

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Injuries Compensation Fund - Time Periods - Compensation**

3 FOR the purpose of establishing certain time periods within which the Criminal
4 Injuries Compensation Board must notify a claimant after receipt of a claim and
5 must complete the review and evaluation process on a claim; establishing a
6 certain time period within which the Secretary of Public Safety and Correctional
7 Services must take a certain action; altering the limit on compensation for
8 psychiatric, psychological, or mental health counseling; prohibiting the Board
9 from requiring a claimant to meet a certain standard under certain
10 circumstances; and generally relating to the Criminal Injuries Compensation
11 Fund.

12 BY repealing and reenacting, with amendments,
13 Article 27 - Crimes and Punishments
14 Section 820, 822, and 825(a) and (f)(1)
15 Annotated Code of Maryland
16 (1996 Replacement Volume and 1997 Supplement)

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

19 **Article 27 - Crimes and Punishments**

20 820.

21 (a) A claim may be filed by a person eligible to receive an award, as provided
22 in § 819 of this subheading, or if the person is under eighteen years of age, by the
23 person's parent or guardian. In any case in which the person entitled to make a claim
24 is mentally incompetent, the claim may be filed on the person's behalf by the person's
25 guardian or other individual authorized to administer the person's estate.

26 (b) (1) A claim must be filed by the claimant not later than:

1 (i) 180 days after the occurrence of the crime upon which the claim
2 is based; or

3 (ii) 180 days after the death of the victim.

4 (2) The Board may extend the time for filing up to 2 years after each
5 occurrence for good cause.

6 (3) In cases of child abuse, a claim may be filed up to 2 years after the
7 occurrence was known or should have been known by the claimant.

8 (c) Claims shall be filed in the office of the Board in person or by mail. The
9 Board shall accept for filing all claims that meet the requirements of this subheading
10 and the rules and regulations of the Board.

11 (D) THE BOARD SHALL NOTIFY A CLAIMANT WITHIN 10 DAYS AFTER RECEIPT
12 OF THE CLAIM.

13 822.

14 (A) WITHIN 30 DAYS AFTER THE RECEIPT OF A CLAIM, THE BOARD SHALL
15 NOTIFY THE CLAIMANT IF ADDITIONAL MATERIAL IS REQUIRED.

16 (B) [Upon completing] WITHIN 90 DAYS AFTER THE RECEIPT OF A CLAIM, THE
17 BOARD SHALL COMPLETE the review and evaluation process on each claim[, the
18 Board] AND shall file with the Secretary a written report setting forth the decision
19 and the reasons in support of the decision.

20 (C) [After reviewing the records,] WITHIN 30 DAYS AFTER THE RECEIPT OF A
21 WRITTEN REPORT FROM THE BOARD, the Secretary shall modify, affirm, or reverse
22 the decision of the Board.

23 (D) The action of the Secretary in affirming, modifying, or reversing the
24 decision of the Board shall be final.

25 (E) The claimant shall be furnished with a copy of the final report upon
26 request.

27 825.

28 (a) (1) An award may not be made unless the Board members find that:

29 (i) A crime was committed;

30 (ii) The crime directly resulted in physical injury to, or death of the
31 victim, or in the case of sexual assault or child abuse, psychological or emotional
32 injury;

33 (iii) Police, other law enforcement, or judicial records show that the
34 crime or the discovery of child abuse was reported to the proper authorities within 48
35 hours after the occurrence of the crime; and

1 (iv) The victim has fully cooperated with all law enforcement
2 agencies.

3 (2) The Board may waive the requirements of paragraph (1) (iii) and (iv)
4 of this subsection for good cause shown.

5 (3) (i) An award may not be made unless funds are appropriated and
6 available for the full amount of the award.

7 (ii) If a multiyear award is made, the total amount of the award
8 shall be obligated and held for any period of time as is necessary to complete payment
9 in accordance with the provisions of the award.

10 (iii) If payment of the award is terminated for any reason
11 subsequent to June 30 of the fiscal year in which the award was made, the remainder
12 of the award shall revert to the Criminal Injuries Compensation Fund established
13 under § 831 of this subheading.

14 (iv) Any compensation awarded under the provisions of this Act
15 shall not exceed:

16 1. \$25,000 for any disability-related or dependency-related
17 claim OR FOR PSYCHIATRIC, PSYCHOLOGICAL, OR MENTAL HEALTH COUNSELING;
18 and

19 2. \$45,000 for any medical claim.

20 (V) The maximum amount awarded under all of the provisions of
21 this Act shall not exceed \$45,000, including any subsequent and supplemental
22 awards.

23 (4) [Any compensation awarded under the provisions of this subheading
24 for the purposes of psychiatric, psychological, or mental health counseling may not
25 exceed \$2,000 for each claimant.

26 (5)] The Board may negotiate a settlement with a health care provider for
27 the medical and medically related expenses of a claimant.

28 (f) (1) (I) If the Board finds that the claimant will not suffer serious
29 financial hardship, as a result of the loss of earnings or support and the out-of-pocket
30 expenses incurred as a result of the injury, if not granted financial assistance
31 pursuant to this article to meet the loss of earnings, support, or out-of-pocket
32 expenses, the Board shall deny an award.

33 (II) In determining the serious financial hardship, the Board:

34 1. [shall] SHALL consider all of the financial resources of the
35 claimant; BUT

