
By: **Delegates Grosfeld, R. Baker, Frush, Hubbard, Menes, Moe, Petzold,
and Pitkin**

Introduced and read first time: February 12, 1999

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of authorizing an immediate family member or household member
4 of a victim of a crime to be eligible for certain awards from the Criminal Injuries
5 Compensation Fund under certain circumstances; authorizing a resident of the
6 State who becomes a victim in another state to be eligible for an award under
7 certain circumstances; establishing certain time periods within which the
8 Criminal Injuries Compensation Board must notify a claimant after receipt of a
9 claim and must complete the review and evaluation process on a claim;
10 establishing exceptions to the time periods within which the Criminal Injuries
11 Compensation Board must review and process certain claims; establishing a
12 certain time period within which the Secretary of Public Safety and Correctional
13 Services must take a certain action; altering the limit on compensation for
14 psychiatric, psychological, or mental health counseling; prohibiting the Board
15 from requiring a claimant to meet a certain standard under certain
16 circumstances; and generally relating to the Criminal Injuries Compensation
17 Fund.

18 BY repealing and reenacting, with amendments,
19 Article 27 - Crimes and Punishments
20 Section 819(a) and (c), 820, 822, and 825(a) and (f)
21 Annotated Code of Maryland
22 (1996 Replacement Volume and 1998 Supplement)

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

25 **Article 27 - Crimes and Punishments**

26 819.

27 (a) Except as provided in subsection (b) of this section, the following persons
28 shall be eligible for awards under this subheading:

- 1 (1) A victim of a crime;
- 2 (2) A surviving spouse or child of a victim of a crime who died as a direct
3 result of a crime;
- 4 (3) Any other person dependent for principal support upon a victim of a
5 crime who died as a direct result of such crime;
- 6 (4) Any person who is injured or killed while trying to prevent a crime or
7 an attempted crime from occurring in the person's presence or trying to apprehend a
8 person who had committed a crime in the person's presence or had, in fact, committed
9 a felony;
- 10 (5) A surviving spouse or child of any person who dies as a direct result
11 of trying to prevent a crime or an attempted crime from occurring in the person's
12 presence or trying to apprehend a person who had committed a crime in the person's
13 presence or had, in fact, committed a felony;
- 14 (6) Any other person dependent for principal support upon any person
15 who dies as a direct result of trying to prevent a crime or an attempted crime from
16 occurring in the person's presence or trying to apprehend a person who had
17 committed a crime in the person's presence or had, in fact, committed a felony;
- 18 (7) Any person who is injured or killed while giving aid and assistance to
19 a law enforcement officer in the performance of the officer's lawful duties or to a
20 member of a fire department who is being obstructed from performing the officer's
21 lawful duties; [and]
- 22 (8) Any person who paid or assumed responsibility for the funeral
23 expenses of a victim who died as a result of a crime or an eligible person who is killed
24 as a direct result under paragraphs (4) and (7) of this subsection; AND
- 25 (9) AN IMMEDIATE FAMILY MEMBER OR HOUSEHOLD MEMBER OF A
26 VICTIM OF A CRIME WHO REQUIRES MENTAL HEALTH COUNSELING AS A RESULT OF
27 THE CRIME.
- 28 (c) Any resident of the State is eligible for an award if the resident:
- 29 (1) Meets the requirements of this subheading; or
- 30 (2) Becomes a victim of a crime in a state other than Maryland that:
- 31 (i) Does not operate a criminal injuries compensation program;
32 [or]
- 33 (ii) Operates a criminal injuries compensation program for which
34 the victim is ineligible; OR
- 35 (III) OPERATES A CRIMINAL INJURIES COMPENSATION PROGRAM
36 FOR WHICH FUNDS HAVE NOT BEEN APPROPRIATED OR MADE AVAILABLE.

1 820.

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

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

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

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

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

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

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

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

20 822.

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

23 (B) (1) [Upon completing] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
24 SUBSECTION, WITHIN 90 DAYS AFTER THE RECEIPT OF A CLAIM AND ANY
25 SUPPORTING (NECESSARY) DOCUMENTATION, THE BOARD SHALL COMPLETE the
26 review and evaluation process on each claim[, the Board] AND shall file with the
27 Secretary a written report setting forth the decision and the reasons in support of the
28 decision.

29 (2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, FOR GOOD CAUSE
30 SHOWN, THE BOARD MAY EXTEND THE TIME ALLOWED UNDER PARAGRAPH (1) OF
31 THIS SUBSECTION, UNTIL THE FIRST TO OCCUR OF THE FOLLOWING EVENTS:

32 (I) THE CLAIMANT NO LONGER HAS EXPENSES RELATED TO THE
33 CRIME; OR

34 (II) THE CLAIMANT HAS BEEN AWARDED THE MAXIMUM AMOUNT
35 AUTHORIZED UNDER § 825 OF THIS SUBHEADING.

1 (3) THE BOARD MAY NOT EXTEND THE TIME ALLOWED UNDER
2 PARAGRAPH (1) OF THIS SUBSECTION BEYOND 12 MONTHS AFTER RECEIPT OF A
3 CLAIM AND ANY SUPPORTING DOCUMENTATION.

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

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

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

11 825.

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

13 (i) A crime was committed;

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

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

20 (iv) The victim has fully cooperated with all law enforcement
21 agencies.

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

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

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

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

33 (iv) Any compensation awarded under the provisions of this Act
34 shall not exceed \$25,000 for any disability-related or dependency-related claim and
35 \$45,000 for any medical claim. The maximum amount awarded under all of the

1 provisions of this Act shall not exceed \$45,000, including any subsequent and
2 supplemental awards.

3 (4) Any compensation awarded under the provisions of this subheading
4 for the purposes of psychiatric, psychological, or mental health counseling may not
5 exceed [~~\$2,000~~] \$10,000 for each claimant.

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

8 (f) (1) [~~If the~~] THE Board [~~finds that the claimant will not suffer serious~~
9 financial hardship,] SHALL LIMIT AN AWARD MADE UNDER THIS SUBHEADING TO
10 [as a result of] the loss of earnings or support and the out-of-pocket expenses
11 incurred as a result of the injury THAT ARE NOT COVERED BY A COLLATERAL
12 SOURCE[, if not granted financial assistance pursuant to this article to meet the loss
13 of earnings, support, or out-of-pocket expenses, the Board shall deny an award].

14 (2) In determining the [~~serious financial hardship~~] AMOUNT OF AN
15 AWARD, the Board [~~shall consider all of the financial resources of the claimant~~] MAY
16 NOT REQUIRE THAT A CLAIMANT FACE A JUDGMENT AGAINST FUTURE EARNINGS.
17 Unless total dependency is established, a family is considered to be partially
18 dependent on a parent with whom they reside without regard to actual earnings.

19 [(2)] (3) The conditions of paragraph (1) of this subsection do not apply
20 in determining an award under § 819(a)(4), (5), and (6) of this subheading.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 1999.