Unofficial Copy E2 1999 Regular Session 9lr1072 CF 9lr0845

By: Senator Stone (Task Force to Examine Maryland's Crime Victims'
Rights Laws)

Introduced and read first time: January 22, 1999

Assigned to: Judicial Proceedings

1 AN ACT concerning

A BILL ENTITLED

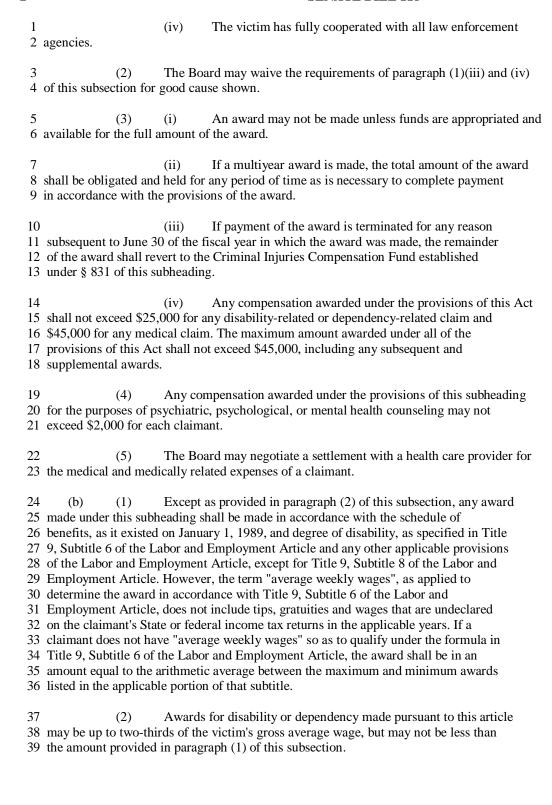
2	Victims' Rights - Criminal Injuries Compensation Board - Claims

- 3 FOR the purpose of prohibiting the Criminal Injuries Compensation Board from
- 4 finding that a claimant fails to suffer serious financial hardship under certain
- 5 circumstances; requiring the Department of Public Safety and Correctional
- 6 Services to report to the General Assembly on or before a certain date; making
- 7 stylistic changes; and generally relating to compensation awards by the
- 8 Criminal Injuries Compensation Board.
- 9 BY repealing and reenacting, with amendments,
- 10 Article 27 Crimes and Punishments
- 11 Section 825
- 12 Annotated Code of Maryland
- 13 (1996 Replacement Volume and 1998 Supplement)
- 14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 15 MARYLAND, That the Laws of Maryland read as follows:

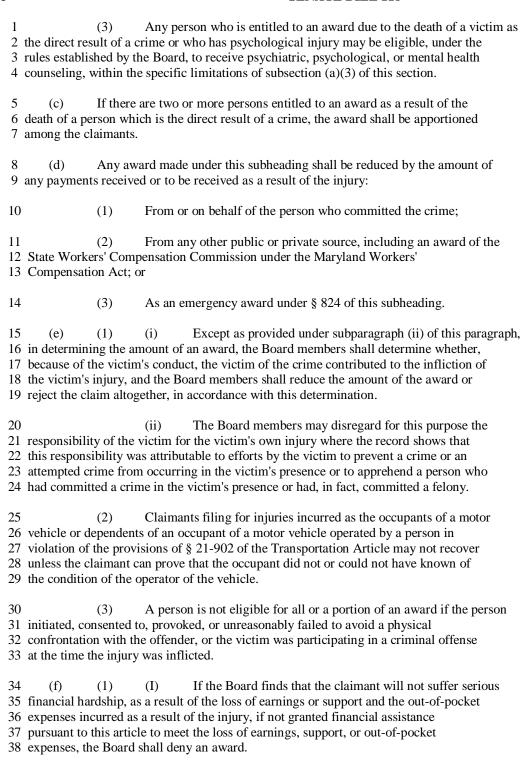
16 Article 27 - Crimes and Punishments

- 17 825.
- 18 (a) (1) An award may not be made unless the Board members find that:
- 19 (i) A crime was committed;
- 20 (ii) The crime directly resulted in physical injury to, or death of the
- 21 victim, or in the case of sexual assault or child abuse, psychological or emotional
- 22 injury;
- 23 (iii) Police, other law enforcement, or judicial records show that the
- 24 crime or the discovery of child abuse was reported to the proper authorities within 48
- 25 hours after the occurrence of the crime; and

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1 (II)In determining the serious financial hardship, the Board shall 2 consider all of the financial resources of the claimant. (III)Unless total dependency is established, a family is considered to 3 4 be partially dependent on a parent with whom they reside without regard to actual 5 earnings. 6 The conditions of paragraph (1) of this subsection do not apply in (2) 7 determining an award under § 819(a)(4), (5), and (6) of this subheading. THE BOARD MAY NOT FIND THAT A CLAIMANT FAILS TO SUFFER 8 9 SERIOUS FINANCIAL HARDSHIP BECAUSE A CLAIMANT IS INDIGENT OR JUDGMENT 10 PROOF. 11 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Public 12 Safety and Correctional Services shall report to the General Assembly on or before 13 November 1, 1999, in accordance with § 2-1246 of the State Government Article, on 14 the results of a study to: 15 Identify and examine alternate models for determining the financial (1) 16 eligibility of criminal injuries compensation claimants; 17 Project the effect of the models on the long-term stability and (2) 18 strength of the Criminal Injuries Compensation Fund; and 19 (3) Recommend a model to replace the current serious financial hardship 20 standard. SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect 21 22 October 1, 1999.