

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE

Revised

House Bill 305 (Delegate Vallario. *et al.*)
(Task Force to Examine Maryland's Crime Victims' Rights Laws)

Judiciary

Victims' Rights - Criminal Injuries Compensation Board - Claims

This bill prohibits the Criminal Injuries Compensation Board from finding that a claimant fails to suffer serious financial hardship because a claimant is indigent or judgment proof. The bill also expands the list of persons eligible for awards from the Criminal Injuries Compensation Fund and makes other specified changes to provisions relating to the fund.

Fiscal Summary

State Effect: Minimal. It is rare that the Criminal Injuries Compensation Board has denied a claim because the claimant was deemed to be indigent or judgment proof. For all fiscal 1998 and thus far in fiscal 1999 there have been no such findings by the board. None of the bill's changes are expected to significantly affect the finances of this special fund. The bill's requirements relating to a specified study can be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Fiscal Analysis

Bill Summary: This bill expands the list of persons eligible for awards from the Criminal Injuries Compensation Fund by adding a resident of Maryland who becomes a victim of a crime in another state when that state's criminal injuries compensation program has not been funded. Current law provides eligibility when the crime has been committed in another state

if that state does not operate such a program or if the Maryland resident victim is not eligible under the other state's program.

The bill establishes that the Criminal Injuries Compensation Board must: (1) notify a claimant within 10 days after receipt of a claim; (2) notify the claimant within 30 days after receipt of the claim if additional material is required; and (3) complete the review and application process within 90 days. The bill specifies the circumstances under which the board may, for good cause, extend the time for review and evaluation of a claim. Such an extension is prohibited from going beyond one year. The Department of Public Safety and Correctional Services (DPSCS) is required to affirm, modify, or reverse a decision of the board within 30 days.

The bill increases the maximum award for psychiatric, psychological, or mental health counseling from \$2,000 to \$5,000. The bill specifies that awards for funeral expenses may not exceed \$5,000.

In addition, the bill requires DPSCS to report to the General Assembly by November 1, 1999 on the results of a specified study which would include recommendations for a model to replace the current serious financial hardship standard.

State Effect: Expanding the list of eligible claimants is not expected to significantly affect expenditures from the fund since mental health counseling tends not to be a major expense and out-of-state claims are rare. Increasing the maximum award for psychiatric, psychological, or mental health counseling from \$2,000 to \$5,000 is not expected to measurably increase awards since counseling costs against which claims have been made have been less than \$2,000 to date. In any event, funds available for awards by the board remain unchanged by this bill.

In addition, the Criminal Injuries Compensation Board rarely denies a claim because the claimant was deemed to be indigent or judgment proof. For all fiscal 1998 and thus far in fiscal 1999 there have been no such findings by the board.

While this bill also increases the workload of the board relating to notifications and the time frames for completion of their review processes, these new responsibilities can be handled with the existing budgeted resources of the board.

Information Source(s): Department of Public Safety and Correctional Services (Criminal Injuries Compensation Board), Department of Legislative Services

Fiscal Note History:

First Reader - February 18, 1999

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Revised - House Third Reader - March 29, 1999

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