

SENATE BILL 243

Unofficial Copy  
E2  
HB 862/00 - JUD

2001 Regular Session  
11r0651  
CF 11r0652

---

By: **Senator Stone (Task Force to Examine Maryland's Crime Victims' Rights Laws) and Senators Bromwell, Colburn, Collins, Ferguson, Hollinger, Jimeno, Kelley, Lawlah, Sfikas, and Van Hollen**

Introduced and read first time: January 24, 2001  
Assigned to: Judicial Proceedings

---

Committee Report: Favorable with amendments  
Senate action: Recommended to Committee, March 21, 2001  
Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 23, 2001

---

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Injuries Compensation - Claimants and Awards**

3 FOR the purpose of expanding the definition of crime to include certain motor vehicle  
4 crimes for purposes of determining eligibility for criminal injuries compensation;  
5 allowing ~~certain family members~~ parents, children, or spouses who reside with  
6 certain persons to be eligible for certain criminal injuries compensation awards;  
7 altering the circumstances under which the Criminal Injuries Compensation  
8 Board may make an award for a crime or delinquent act resulting in certain  
9 psychological injury; eliminating certain financial hardship requirements  
10 relating to criminal injury compensation; allowing the Board to make an award  
11 for repairing, replacing, or cleaning property under certain circumstances;  
12 establishing a certain monetary limit on the award the Board is allowed to make  
13 for repairing, replacing, or cleaning property; allowing the Board to make an  
14 award for certain disability or dependency claims; establishing certain limits for  
15 certain counseling for certain ~~family members~~ parents, children, or spouses of  
16 certain persons; and generally relating to criminal injuries compensation.

17 BY repealing and reenacting, with amendments,  
18 Article - Criminal Procedure  
19 Section 11-801, 11-808(a), 11-810, and 11-811  
20 Annotated Code of Maryland  
21 (As enacted by Chapter \_\_\_\_ (S.B. 1) of the Acts of the General Assembly of 2001)

22 BY repealing and reenacting, without amendments,

1 Article - Transportation  
2 Section 20-102, 20-104, 21-902, and 21-904  
3 Annotated Code of Maryland  
4 (1999 Replacement Volume and 2000 Supplement)

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

7 **Article - Criminal Procedure**

8 11-801.

9 (a) In this subtitle the following words have the meanings indicated.

10 (b) "Board" means the Criminal Injuries Compensation Board.

11 (c) "Claimant" means the person filing a claim under this subtitle.

12 (d) (1) "Crime" means:

13 (i) except as provided in paragraph (2) of this subsection, a  
14 criminal offense under state, federal, or common law that is committed in:

15 1. this State; or

16 2. another state against a resident of this State; or

17 (ii) an act of international terrorism as defined in Title 18, § 2331 of  
18 the United States Code that is committed outside of the United States against a  
19 resident of this State.

20 (2) "Crime" does not include an act involving the operation of a vessel or  
21 motor vehicle unless the act is:

22 (i) [operating a motor vehicle in] A violation of [§ 21-902] §  
23 20-102, § 20-104, § 21-902, OR § 21-904 of the Transportation Article; or

24 (ii) operating a motor vehicle or vessel that results in an intentional  
25 injury.

26 (e) "Dependent" means:

27 (1) a surviving spouse or child of a person; or

28 (2) a person who is dependent on another person for principal support.

29 (f) "Victim" means a person:

30 (1) who suffers physical injury or death as a result of a crime or  
31 delinquent act;







1           (2)     A claimant filing for injuries incurred as the occupant of a motor  
2 vehicle or a dependent of an occupant of a motor vehicle operated in violation of §  
3 21-902 of the Transportation Article may not receive an award unless the claimant  
4 proves that the occupant did not know or could not have known of the condition of the  
5 operator of the vehicle.

6           (3)     A claimant may not receive an award if:

7                   (i)     the victim initiated, consented to, provoked, or unreasonably  
8 failed to avoid a physical confrontation with the offender; or

9                   (ii)    the victim was participating in a crime or delinquent act when  
10 the injury was inflicted.

11       (e)    (1)     A victim or dependent may not be denied compensation solely  
12 because the victim:

13                   (i)     is a relative of the offender; or

14                   (ii)    was living with the offender as a family member or household  
15 member at the time of the injury or death.

16           (2)     If the Board can reasonably determine that the offender will not  
17 receive any economic benefit or undue enrichment from the compensation, the Board  
18 may award compensation to a victim or dependent who is a relative, family member,  
19 or household member of the offender.

20 11-811.

21       (a)    (1)    (i)     Except as otherwise provided in this subsection, an award  
22 under this subtitle shall be made in accordance with the schedule of benefits, as it  
23 existed on January 1, [1989] 2001, and degree of disability as specified in Title 9,  
24 Subtitle 6 of the Labor and Employment Article and any other applicable provisions of  
25 the Labor and Employment Article, except for Title 9, Subtitle 8 of the Labor and  
26 Employment Article.

27                   (ii)    For determining the amount of an award under this subtitle,  
28 the term "average weekly wages" does not include tips, gratuities, and wages that are  
29 undeclared on the claimant's State or federal income tax returns for the applicable  
30 years.

31                   (iii)   If a claimant does not have "average weekly wages" to qualify  
32 under the formula in Title 9, Subtitle 6 of the Labor and Employment Article, the  
33 award shall be in an amount equal to the average of the maximum and minimum  
34 awards listed in the applicable portion of that subtitle.

35           (2)     An award for loss of earnings or support made under this subtitle  
36 may be up to two-thirds of the victim's gross average wage, but may not be less than  
37 the amount provided in paragraph (1) of this subsection.

1 (3) An award for funeral expenses may not exceed \$5,000.

2 (4) Subject to the limitation under subsection (b)(3) of this section and §  
3 11-812 of this [title] SUBTITLE, a person who is eligible for an award as the result of  
4 the death of a victim or psychological injury may be eligible, under the regulations  
5 that the Board adopts, to receive psychiatric, psychological, or mental health  
6 counseling.

7 (5) SUBJECT TO THE LIMITATION UNDER SUBSECTION (B)(6) OF THIS  
8 SECTION AND § 11-812 OF THIS SUBTITLE, A ~~FAMILY MEMBER~~ PARENT, CHILD, OR  
9 SPOUSE OF A VICTIM WHO RESIDES WITH THE VICTIM AND WHO IS ELIGIBLE FOR AN  
10 AWARD AS THE RESULT OF THE INJURY OF A VICTIM IS ELIGIBLE TO RECEIVE  
11 PSYCHIATRIC, PSYCHOLOGICAL, OR MENTAL HEALTH COUNSELING.

12 (b) Compensation awarded under this subtitle may not exceed:

13 (1) \$25,000 for a disability-related or dependency-related claim;

14 (2) \$45,000 for a medical claim;

15 (3) \$5,000 for each claimant for psychiatric, psychological, or mental  
16 health counseling UNDER SUBSECTION (A)(4) OF THIS SECTION; [or]

17 (4) a total of \$45,000, including any subsequent and supplemental  
18 awards;

19 (5) \$250 FOR EACH CLAIMANT FOR REPAIR, REPLACEMENT, OR  
20 CLEANING OF PROPERTY DAMAGED, SOILED, OR LITTERED AS A RESULT OF A CRIME  
21 OR LAW ENFORCEMENT INVESTIGATION OF A CRIME; OR

22 (6) FOR AN AWARD FOR PSYCHIATRIC, PSYCHOLOGICAL, OR MENTAL  
23 HEALTH COUNSELING MADE UNDER SUBSECTION (A)(5) OF THIS SECTION:

24 (I) \$1,000 FOR EACH CLAIMANT; AND

25 (II) \$5,000 FOR EACH INCIDENT.

26 (c) An award made under this subtitle shall be reduced by the amount of any  
27 payments received or to be received as a result of the injury:

28 (1) from or on behalf of the offender;

29 (2) from any other public or private source, including an award of the  
30 State Workers' Compensation Commission under the Maryland Workers'  
31 Compensation Act; or

32 (3) as an emergency award under § 11-813 of this subtitle.

33 (d) If there are two or more persons entitled to an award as a result of the  
34 death of a victim, the award shall be apportioned among the claimants.

1 (e) The Board may negotiate a settlement with a health care provider for the  
2 medical and medically related expenses.

3 **Article - Transportation**

4 20-102.

5 (a) The driver of each vehicle involved in an accident that results in bodily  
6 injury to or death of another person immediately shall stop the vehicle as close as  
7 possible to the scene of the accident, without obstructing traffic more than necessary.

8 (b) The driver of each vehicle involved in an accident that results in bodily  
9 injury to or death of another person immediately shall return to and remain at the  
10 scene of the accident until the driver has complied with § 20-104 of this title.

11 20-104.

12 (a) The driver of each vehicle involved in an accident that results in bodily  
13 injury to or death of any person or in damage to an attended vehicle or other attended  
14 property shall render reasonable assistance to any person injured in the accident and,  
15 if the person requests medical treatment or it is apparent that medical treatment is  
16 necessary, arrange for the transportation of the person to a physician, surgeon, or  
17 hospital for medical treatment.

18 (b) The driver of each vehicle involved in an accident that results in bodily  
19 injury to or death of any person or in damage to an attended vehicle or other attended  
20 property shall give his name, his address, and the registration number of the vehicle  
21 he is driving and, on request, exhibit his license to drive, if it is available, to:

22 (1) Any person injured in the accident; and

23 (2) The driver, occupant of, or person attending any vehicle or other  
24 property damaged in the accident.

25 (c) The driver of each vehicle involved in an accident that results in bodily  
26 injury to or death of any person or in damage to an attended vehicle or other attended  
27 property shall give the same information described in subsection (b) of this section  
28 and, on request, exhibit his license to drive, if it is available, to any police officer who  
29 is at the scene of or otherwise is investigating the accident.

30 (d) If a police officer is not present and none of the specified persons is in  
31 condition to receive the information to which the person otherwise would be entitled  
32 under this section, the driver, after fulfilling to the extent possible every other  
33 requirement of § 20-102 of this title and subsection (a) of this section, immediately  
34 shall report the accident to the nearest office of an authorized police authority and  
35 give the information specified in subsection (b) of this section.

1 21-902.

2 (a) (1) A person may not drive or attempt to drive any vehicle while  
3 intoxicated.

4 (2) A person may not drive or attempt to drive any vehicle while the  
5 person is intoxicated per se.

6 (b) A person may not drive or attempt to drive any vehicle while under the  
7 influence of alcohol.

8 (c) (1) A person may not drive or attempt to drive any vehicle while he is so  
9 far under the influence of any drug, any combination of drugs, or a combination of one  
10 or more drugs and alcohol that he cannot drive a vehicle safely.

11 (2) It is not a defense to any charge of violating this subsection that the  
12 person charged is or was entitled under the laws of this State to use the drug,  
13 combination of drugs, or combination of one or more drugs and alcohol, unless the  
14 person was unaware that the drug or combination would make him incapable of  
15 safely driving a vehicle.

16 (d) A person may not drive or attempt to drive any vehicle while he is under  
17 the influence of any controlled dangerous substance, as that term is defined in Article  
18 27, § 279 of the Code, if the person is not entitled to use the controlled dangerous  
19 substance under the laws of this State.

20 21-904.

21 (a) In this section "visual or audible signal" includes a signal by hand, voice,  
22 emergency light or siren.

23 (b) If a police officer gives a visual or audible signal to stop and the police  
24 officer is in uniform, prominently displaying the police officer's badge or other  
25 insignia of office, a driver of a vehicle may not attempt to elude the police officer by  
26 willfully failing to stop the driver's vehicle.

27 (c) If a police officer gives a visual or audible signal to stop and the police  
28 officer is in uniform, prominently displaying the police officer's badge or other  
29 insignia of office, a driver may not attempt to elude the police officer by fleeing on  
30 foot.

31 (d) If a police officer gives a visual or audible signal to stop and the police  
32 officer is in uniform, prominently displaying the police officer's badge or other  
33 insignia of office, a driver may not attempt to elude the police officer by any other  
34 means.

35 (e) If a police officer gives a visual or audible signal to stop and the police  
36 officer, whether or not in uniform, is in a vehicle appropriately marked as an official  
37 police vehicle, a driver of a vehicle may not attempt to elude the police officer by  
38 willfully failing to stop the driver's vehicle.

1 (f) If a police officer gives a visual or audible signal to stop and the police  
2 officer, whether or not in uniform, is in a vehicle appropriately marked as an official  
3 police vehicle, a driver of a vehicle may not attempt to elude the police officer by  
4 fleeing on foot.

5 (g) If a police officer gives a visual or audible signal to stop and the police  
6 officer, whether or not in uniform, is in a vehicle appropriately marked as an official  
7 police vehicle, a driver of a vehicle may not attempt to elude the police officer by any  
8 other means.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2001.