
By: **Delegate Giannetti**

Introduced and read first time: February 7, 2002

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Injuries Compensation Fund - Property Damage to Cemeteries -**
3 **Claim**

4 FOR the purpose of expanding the definition of claimant to include a certain
5 permanent cemetery which sustains property damage to certain funerary
6 objects as a result of a certain crime or delinquent act committed within the
7 boundaries of the cemetery; providing that the permanent cemetery is eligible to
8 file a certain monetary claim for expenses reasonably incurred for repair of
9 funerary objects; providing a certain limit on the amount of the award; providing
10 a certain time period in which the permanent cemetery may file a certain claim
11 for property damage to funerary objects; providing that the permanent cemetery
12 must incur a certain amount of monetary damages in expenses or indebtedness
13 to be eligible for a certain award; defining certain terms; and generally relating
14 to making a monetary claim for property damage from the Criminal Injuries
15 Compensation Fund.

16 BY repealing and reenacting, without amendments,
17 Article - Criminal Law
18 Section 10-401(c) and (d)
19 Annotated Code of Maryland
20 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
21 2002)

22 BY repealing and reenacting, with amendments,
23 Article - Criminal Procedure
24 Section 11-801, 11-808(a), 11-809(a)(1), 11-810(a)(1) and (c), and 11-811(a)(3)
25 Annotated Code of Maryland
26 (2001 Volume)

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

1

Article - Criminal Law

2 10-401.

3 (c) (1) "Funerary object" means an item of human manufacture or use that
4 is intentionally placed:

5 (i) with human remains at the time of interment in a burial site; or

6 (ii) after interment, as a part of a death ceremony of a culture,
7 religion, or group.

8 (2) "Funerary object" includes a gravestone, monument, tomb, or other
9 structure in or directly associated with a burial site.

10 (d) "Permanent cemetery" means a cemetery that is owned by:

11 (1) a cemetery company regulated under Title 5 of the Business
12 Regulation Article;

13 (2) a nonprofit organization; or

14 (3) the State.

15

Article - Criminal Procedure

16 11-801.

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

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

19 (c) (1) "Claimant" means the person filing a claim under this subtitle.

20 (2) "CLAIMANT" INCLUDES A PERMANENT CEMETERY FILING A CLAIM
21 UNDER THIS SUBTITLE FOR PROPERTY DAMAGE TO FUNERARY OBJECTS SUSTAINED
22 AS A RESULT OF A CRIME OR DELINQUENT ACT COMMITTED WITHIN THE
23 BOUNDARIES OF THE PERMANENT CEMETERY.

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

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

27 1. this State; or

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

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

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

3 (i) a violation of § 20-102, § 20-104, § 21-902, or § 21-904 of the
4 Transportation Article; or

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

7 (e) "Dependent" means:

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

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

10 (f) "FUNERARY OBJECT" HAS THE MEANING STATED IN § 10-401(C) OF THE
11 CRIMINAL LAW ARTICLE.

12 (G) "PERMANENT CEMETERY" HAS THE MEANING STATED IN § 10-401(D) OF
13 THE CRIMINAL LAW ARTICLE.

14 (H) "Victim" means a person:

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

17 (2) who suffers psychological injury as a direct result of:

18 (i) a fourth degree sexual offense or a delinquent act that would be
19 a fourth degree sexual offense if committed by an adult;

20 (ii) a felony or a delinquent act that would be a felony if committed
21 by an adult; or

22 (iii) physical injury or death directly resulting from a crime or
23 delinquent act; or

24 (3) who suffers physical injury or death as a direct result of:

25 (i) trying to prevent a crime or delinquent act or an attempted
26 crime or delinquent act from occurring in the person's presence;

27 (ii) trying to apprehend an offender who had committed a crime or
28 delinquent act in the person's presence or had committed a felony or a delinquent act
29 that would be a felony if committed by an adult; or

30 (iii) helping a law enforcement officer in the performance of the
31 officer's duties or helping a member of a fire department who is being obstructed from
32 performing the member's duties.

1 11-808.

2 (a) (1) Except as provided in paragraph (2) of this subsection, the following
3 persons are eligible for awards in the manner provided under this subtitle:

4 (i) a victim;

5 (ii) a dependent of a victim who died as a direct result of:

6 1. a crime or delinquent act;

7 2. trying to prevent a crime or delinquent act or an
8 attempted crime or delinquent act from occurring in the victim's presence or trying to
9 apprehend a person who had committed a crime or delinquent act in the victim's
10 presence or had committed a felony or a delinquent act that would be considered a
11 felony if committed by an adult; or

12 3. helping a law enforcement officer perform the officer's
13 duties or helping a member of a fire department who is obstructed from performing
14 the member's duties;

15 (iii) any person who paid or assumed responsibility for the funeral
16 expenses of a victim who died as a direct result of:

17 1. a crime or delinquent act;

18 2. trying to prevent a crime or delinquent act or an
19 attempted crime or delinquent act from occurring in the victim's presence or trying to
20 apprehend a person who had committed a crime or delinquent act in the victim's
21 presence or had committed a felony; or

22 3. helping a law enforcement officer perform the officer's
23 duties or helping a member of a fire department who is obstructed from performing
24 the member's duties; [and]

25 (iv) a parent, child, or spouse of a victim who resides with the
26 victim; AND

27 (V) A PERMANENT CEMETERY THAT SUSTAINED PROPERTY
28 DAMAGE TO FUNERARY OBJECTS AS A RESULT OF A CRIME OR DELINQUENT ACT
29 COMMITTED WITHIN THE BOUNDARIES OF THE CEMETERY.

30 (2) A person who commits the crime or delinquent act that is the basis of
31 a claim, or an accomplice of the person, is not eligible to receive an award with respect
32 to the claim.

33 11-809.

34 (a) (1) A claimant shall file a claim not later than:

1 (i) 180 days after the occurrence of the crime or delinquent act on
2 which the claim is based; [or]

3 (ii) 180 days after the death of the victim; OR

4 (III) IN THE CASE OF A PERMANENT CEMETERY, WITHIN 5 YEARS
5 OF THE OCCURRENCE OF THE CRIME OR DELINQUENT ACT ON WHICH THE CLAIM
6 FOR PROPERTY DAMAGE TO FUNERARY OBJECTS IS BASED.

7 11-810.

8 (a) (1) The Board may make an award only if the Board finds that:

9 (i) a crime or delinquent act was committed;

10 (ii) the crime or delinquent act directly resulted in:

11 1. physical injury to or death of the victim; [or]

12 2. psychological injury to the victim that necessitated mental
13 health counseling; OR

14 3. IF THE CLAIMANT IS A PERMANENT CEMETERY,
15 PROPERTY DAMAGE TO FUNERARY OBJECTS WITHIN THE BOUNDARIES OF THE
16 CEMETERY;

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

21 (iv) the victim has cooperated fully with all law enforcement units.

22 (c) The Board may make an award only if the claimant, as a result of the
23 injury OR PROPERTY DAMAGE on which the claim is based, has:

24 (1) incurred at least \$100 in unreimbursed and unreimbursable
25 expenses or indebtedness reasonably incurred or claimed for:

26 (i) medical care;

27 (ii) expenses for eyeglasses and other corrective lenses;

28 (iii) mental health counseling;

29 (iv) funeral expenses;

30 (v) repairing, replacing, or cleaning property;

31 (vi) disability or dependent claim; [or]

1 (vii) other necessary services; or

2 (VIII) IN THE CASE OF A PERMANENT CEMETERY, REPAIR OF THE
3 PROPERTY DAMAGE SUSTAINED BY FUNERARY OBJECTS; OR

4 (2) lost at least 2 continuous weeks' earnings or support.

5 11-811.

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

7 (II) AN AWARD FOR PROPERTY DAMAGE TO FUNERARY OBJECTS
8 MAY NOT EXCEED \$5,000.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
10 effect October 1, 2002.