

SENATE BILL 468

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2002 Regular Session  
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By: **Senator Stone (Task Force to Examine Maryland's Crime Victims' Rights Laws) and Senator Miller**

Introduced and read first time: January 31, 2002

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **State Office for Victims and Witnesses of Crime**

3 FOR the purpose of establishing the State Office for Victims and Witnesses of Crime  
4 as part of the Executive Department; establishing the purpose of the Office to  
5 coordinate State responsibilities for ensuring the rights of and provision of  
6 services to victims and witnesses of crimes and delinquent acts; stating certain  
7 findings of the General Assembly relating to the needs of victims of crimes and  
8 delinquent acts; establishing that the head of the Office is the Special Secretary  
9 for Victims and Witnesses of Crime; establishing that the Special Secretary is  
10 appointed by the Governor; establishing the salary and responsibilities of the  
11 Special Secretary; authorizing the Special Secretary to employ certain staff;  
12 establishing the duties of the Office; providing for certain salaries and expenses  
13 of the Office; providing for the establishment of standards of training and  
14 experience for positions in the Office; altering certain responsibility for certain  
15 notoriety of crimes contracts from the Attorney General to the Special Secretary;  
16 transferring oversight and responsibility for the functions of the Criminal  
17 Injuries Compensation Board from the Department of Public Safety and  
18 Correctional Services to the Office; transferring oversight and responsibility for  
19 the functions of the State Board of Victim Services from the Governor's Office of  
20 Crime Control and Prevention to the Office; providing that the Special Secretary  
21 shall be a member of the State Board of Victim Services; requiring the Special  
22 Secretary, or in certain instances the Special Secretary's designee or a  
23 representative of the Special Secretary, to be a member of certain State boards  
24 and commissions; defining certain terms; providing for the continuation of  
25 appointed or elected officials in their term of office; providing for the transfer of  
26 certain assets and employees of several units of government into a single unit;  
27 providing for certain funding; providing for a delayed effective date; and  
28 generally relating to the creation of the State Office for Victims and Witnesses of  
29 Crime.

30 BY repealing and reenacting, with amendments,

31 Article 10 - Legal Officials

32 Section 41D(a)

33 Annotated Code of Maryland

- 1 (2001 Replacement Volume)
- 2 BY repealing and reenacting, with amendments,  
3 Article 41 - Governor - Executive and Administrative Departments  
4 Section 4-201(b)(1)  
5 Annotated Code of Maryland  
6 (1997 Replacement Volume and 2001 Supplement)
- 7 BY adding to  
8 Article 41 - Governor - Executive and Administrative Departments  
9 Section 10-1001 through 10-1006, inclusive, to be under the new subtitle  
10 "Subtitle 10. State Office for Victims and Witnesses of Crime"  
11 Annotated Code of Maryland  
12 (1997 Replacement Volume and 2001 Supplement)
- 13 BY repealing and reenacting, with amendments,  
14 Article 49D - Office for Children, Youth, and Families  
15 Section 4.1(b)  
16 Annotated Code of Maryland  
17 (1998 Replacement Volume and 2001 Supplement)
- 18 BY repealing and reenacting, with amendments,  
19 Article 83C - Juvenile Justice  
20 Section 2-107(a)  
21 Annotated Code of Maryland  
22 (1998 Replacement Volume and 2001 Supplement)
- 23 BY repealing and reenacting, without amendments,  
24 Article 88B - Department of State Police  
25 Section 72(a)  
26 Annotated Code of Maryland  
27 (1998 Replacement Volume and 2001 Supplement)
- 28 BY repealing and reenacting, with amendments,  
29 Article 88B - Department of State Police  
30 Section 72(b)  
31 Annotated Code of Maryland  
32 (1998 Replacement Volume and 2001 Supplement)
- 33 BY repealing and reenacting, with amendments,  
34 Article - Correctional Services  
35 Section 8-204(a)  
36 Annotated Code of Maryland

1 (1999 Volume and 2001 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article - Criminal Procedure

4 Section 6-204(a), 10-208(a), 11-621 through 11-626, inclusive, 11-628 through

5 11-632, inclusive, 11-801, 11-803, 11-804, 11-805(a), 11-814, 11-815,

6 11-910, 11-911, 11-912(a), 11-914, 11-915, and 11-919

7 Annotated Code of Maryland

8 (2001 Volume)

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

11 **Article 10 - Legal Officials**

12 41D.

13 (a) The State's Attorneys' Coordination Council is created. It consists of:

14 (1) The Attorney General;

15 (2) The State's Attorney for Baltimore City;

16 (3) The State's Attorney for Baltimore County;

17 (4) The State's Attorney for Anne Arundel County;

18 (5) The State's Attorney for Prince George's County;

19 (6) The State's Attorney for Montgomery County;

20 (7) The State's Attorney from either Howard, Carroll, or Harford County  
21 who is chosen by a majority vote of the State's Attorneys of these counties;

22 (8) The State's Attorney from either St. Mary's, Charles, or Calvert  
23 County who is chosen by a majority vote of the State's Attorneys of these counties;

24 (9) The State's Attorney from either Frederick, Washington, Allegany, or  
25 Garrett County who is chosen by a majority vote of the State's Attorneys for these  
26 counties;

27 (10) The State's Attorney of either Cecil, Kent, Queen Anne's, Caroline, or  
28 Talbot County who is chosen by a majority vote of the State's Attorneys for these  
29 counties; [and]

30 (11) The State's Attorney of either Dorchester, Wicomico, Worcester, or  
31 Somerset County who is chosen by a majority vote of the State's Attorneys for these  
32 counties; AND

1 (12) THE SPECIAL SECRETARY OF THE STATE OFFICE FOR VICTIMS AND  
2 WITNESSES OF CRIME.

3 **Article 41 - Governor - Executive and Administrative Departments**

4 4-201.

5 (b) There is hereby established in the Department of Public Safety and  
6 Correctional Services, a Police Training Commission whose membership shall consist  
7 of the following persons:

8 (1) The President of the Maryland Chiefs of Police Association; the  
9 President of the Maryland Sheriffs Association; the President of the Maryland Law  
10 Enforcement Officers, Inc.; the Attorney General of the State of Maryland; the  
11 Secretary of the State Police; the Commissioner, Baltimore City Police Department;  
12 the Chancellor of the University System of Maryland; the agent in charge of the  
13 Baltimore office of the F.B.I.; the President of the Eastern Shore Police Association; a  
14 representative of the Maryland State Lodge of Fraternal Order of Police; the Deputy  
15 Secretary of Public Safety and Correctional Services; A REPRESENTATIVE OF THE  
16 STATE OFFICE FOR VICTIMS AND WITNESSES OF CRIME; and three police officials of  
17 the State to be appointed by the Secretary of Public Safety and Correctional Services,  
18 with the approval of the Governor, and with the advice and consent of the Senate, to  
19 represent the State geographically, the appointments to be made for a three-year  
20 term provided that, for the first term, one official shall be appointed for a term of one  
21 year, one for a term of two years, and one for a term of three years.

22 SUBTITLE 10. STATE OFFICE FOR VICTIMS AND WITNESSES OF CRIME.

23 10-1001.

24 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
25 INDICATED.

26 (B) "OFFICE" MEANS THE STATE OFFICE FOR VICTIMS AND WITNESSES OF  
27 CRIME.

28 (C) "SPECIAL SECRETARY" MEANS THE SPECIAL SECRETARY FOR VICTIMS  
29 AND WITNESSES OF CRIME.

30 10-1002.

31 (A) THERE IS A STATE OFFICE FOR VICTIMS AND WITNESSES OF CRIME IN THE  
32 EXECUTIVE DEPARTMENT.

33 (B) THE PURPOSE OF THE OFFICE IS TO COORDINATE STATE  
34 RESPONSIBILITIES FOR GUARANTEEING THE RIGHTS OF AND PROVIDING SERVICES  
35 TO VICTIMS AND WITNESSES OF CRIMES AND DELINQUENT ACTS.

1 10-1003.

2 IN RECOGNITION THAT STATE AND LOCAL LAW, PROGRAMS, AND PROCEDURES  
3 MUST BE UPDATED CONTINUALLY TO MEET THE UNIQUE NEEDS OF VICTIMS OF  
4 CRIME AND DELINQUENT ACTS, THE GENERAL ASSEMBLY FINDS THAT:

5 (1) THERE IS A NEED FOR CONSOLIDATED EFFORTS FOR THE PURPOSE  
6 OF MONITORING, ASSESSING, COORDINATING, AND MAKING RECOMMENDATIONS  
7 CONCERNING STATE AND LOCAL EFFORTS TO ASSIST VICTIMS OF CRIMES AND  
8 DELINQUENT ACTS;

9 (2) VICTIMS PROGRAMS SHOULD BE TRANSFERRED AND CONSOLIDATED  
10 TO BE UNDER THE AUTHORITY OF THE OFFICE; AND

11 (3) THE ADMINISTRATIVE CONSOLIDATION EFFECTED BY THIS  
12 TRANSFER WILL:

13 (I) MINIMIZE FRAGMENTATION OF FUNCTIONS THAT THE STATE  
14 GOVERNMENT PERFORMS ON BEHALF OF VICTIMS OF CRIME AND DELINQUENT  
15 ACTS; AND

16 (II) IMPROVE THE COORDINATION, EFFICIENCY, AND  
17 EFFECTIVENESS OF STATE ASSISTANCE TO VICTIMS OF CRIME AND DELINQUENT  
18 ACTS.

19 10-1004.

20 (A) (1) THE HEAD OF THE OFFICE IS THE SPECIAL SECRETARY FOR VICTIMS  
21 AND WITNESSES OF CRIME.

22 (2) THE SPECIAL SECRETARY IS APPOINTED BY AND SERVES AT THE  
23 PLEASURE OF THE GOVERNOR AND IS DIRECTLY RESPONSIBLE TO THE GOVERNOR.

24 (3) THE SPECIAL SECRETARY SHALL RECEIVE THE SALARY PROVIDED  
25 FOR IN THE STATE BUDGET.

26 (B) THE SPECIAL SECRETARY IS RESPONSIBLE FOR CARRYING OUT THE  
27 DUTIES OF THE OFFICE AND SHALL ESTABLISH GUIDELINES AND PROCEDURES TO  
28 PROMOTE THE ORDERLY AND EFFICIENT ADMINISTRATION OF THE OFFICE.

29 (C) THE SPECIAL SECRETARY SHALL EMPLOY THE STAFF NECESSARY FOR  
30 CARRYING OUT THE FUNCTIONS OF THE OFFICE.

31 10-1005.

32 THE OFFICE SHALL:

33 (1) ADMINISTER PROGRAMS AND ACTIVITIES FOR VICTIMS AND  
34 WITNESSES OF CRIME AND DELINQUENT ACTS THAT ARE NOT OTHERWISE  
35 COMMITTED BY LAW TO ANOTHER UNIT OF STATE GOVERNMENT;

1 (2) EVALUATE THE SERVICE NEEDS OF VICTIMS AND WITNESSES OF  
2 CRIMES AND DELINQUENT ACTS IN THE STATE;

3 (3) DETERMINE THE EXTENT OF COMPLIANCE WITH STATE LAWS  
4 REGARDING RIGHTS OF VICTIMS OF CRIME AND DELINQUENT ACTS;

5 (4) SUBJECT TO EXISTING LAW, COORDINATE AND EVALUATE ALL  
6 STATE AND LOCAL PROGRAMS AND SERVICES, BOTH PUBLIC AND PRIVATE, INsofar  
7 AS THEY RELATE TO AND ARE IMPORTANT TO THE WELL BEING OF THE STATE'S  
8 VICTIMS AND WITNESSES OF CRIME AND DELINQUENT ACTS;

9 (5) REPRESENT THE INTERESTS OF VICTIMS AND WITNESSES OF CRIME  
10 AND DELINQUENT ACTS BY SERVING AS AN ADVOCATE AT ALL LEVELS OF  
11 GOVERNMENT;

12 (6) COOPERATE WITH STATE, FEDERAL, AND LOCAL GOVERNMENTAL  
13 UNITS IN CARRYING OUT THE DUTIES OF THE OFFICE;

14 (7) ACCEPT AND USE STATE AND FEDERAL FUNDS TO CARRY OUT THE  
15 DUTIES OF THE OFFICE; AND

16 (8) PREPARE AND SUBMIT A BUDGET IN ACCORDANCE WITH THE  
17 NORMAL BUDGET PROCESS.

18 10-1006.

19 (A) ALL SALARIES AND EXPENSES FOR STAFF, RENT, STATIONERY, POSTAGE,  
20 AND MISCELLANEOUS OFFICE MATERIALS NECESSARY FOR THE WORK OF THE  
21 OFFICE, SPECIAL SECRETARY, AND STAFF SHALL BE PROVIDED IN THE STATE  
22 BUDGET.

23 (B) IN COOPERATION WITH THE SECRETARY OF BUDGET AND MANAGEMENT,  
24 THE SPECIAL SECRETARY SHALL SET MINIMUM STANDARDS OF TRAINING AND  
25 EXPERIENCE FOR POSITIONS IN THE OFFICE.

26 **Article 49D - Office for Children, Youth, and Families**

27 4.1.

28 (b) The Subcabinet for Children, Youth, and Families consists of:

29 (1) The Special Secretary;

30 (2) The Secretary of Health and Mental Hygiene;

31 (3) The Secretary of Human Resources;

32 (4) The Secretary of Juvenile Justice;

33 (5) The State Superintendent of Schools;

- 1 (6) The Secretary of Budget and Management;
- 2 (7) The Director of the Office for Individuals with Disabilities; [and]
- 3 (8) THE SPECIAL SECRETARY OF THE STATE OFFICE FOR VICTIMS AND  
4 WITNESSES OF CRIME; AND
- 5 (9) A representative from any other State agency that the Governor  
6 designates.

7 **Article 83C - Juvenile Justice**

8 2-107.

- 9 (a) (1) The State Advisory Board consists of [18] 19 members appointed by  
10 the Governor.
- 11 (2) Of the [18] 19 State Advisory Board members:
- 12 (i) 1 shall be a representative of the Department;
- 13 (ii) 1 shall be a representative of the Department of Health and  
14 Mental Hygiene;
- 15 (iii) 1 shall be a representative of the State Department of  
16 Education;
- 17 (iv) 1 shall be a representative of the Department of State Police;
- 18 (v) 1 shall be a representative of the State Social Services  
19 Administration;
- 20 (vi) 1 shall be a representative of a voluntary child welfare agency;
- 21 (vii) 3 shall be representatives of the State judiciary;
- 22 (viii) 2 shall be representatives of the General Assembly with one  
23 recommended by the President of the Senate and one recommended by the Speaker of  
24 the House; [and]
- 25 (ix) 1 SHALL BE A REPRESENTATIVE OF THE STATE OFFICE FOR  
26 VICTIMS AND WITNESSES OF CRIME; AND
- 27 (X) 7 shall be from the general public.

28 **Article 88B - Department of State Police**

29 72.

- 30 (a) There is a Vehicle Theft Prevention Council within the Department of  
31 State Police.

1 (b) The Council shall consist of the following [13] 14 members appointed by  
2 the Governor:

3 (1) As ex officio members of the Council:

4 (i) The Secretary or the Secretary's designee;

5 (ii) The Secretary of Juvenile Justice or the Secretary's designee;

6 (iii) The Secretary of Public Safety and Correctional Services or the  
7 Secretary's designee; [and]

8 (iv) The Administrator of the Maryland Motor Vehicle  
9 Administration; and

10 (V) THE SPECIAL SECRETARY OF THE STATE OFFICE FOR VICTIMS  
11 AND WITNESSES OF CRIME OR THE SPECIAL SECRETARY'S DESIGNEE; AND

12 (2) As regular members of the Council:

13 (i) One representative of a local law enforcement authority;

14 (ii) One representative of a Maryland State's Attorney's office;

15 (iii) Two representatives of insurers that issue private passenger  
16 automobile or commercial motor vehicle liability insurance in the State, of which:

17 1. One shall be a domestic insurer; and

18 2. One shall be a foreign insurer;

19 (iv) One representative of the Governor's Office;

20 (v) One representative of the National Insurance Crime Bureau or  
21 similar organization; and

22 (vi) Three representatives of the general public, of which one shall  
23 be a representative of a neighborhood or community association.

24 **Article - Correctional Services**

25 8-204.

26 (a) The Commission consists of the following [14] 15 members:

27 (1) the Secretary of Public Safety and Correctional Services;

28 (2) the Secretary of Juvenile Justice;

29 (3) the Director of the Division of Parole and Probation;



- 1 (4) the Commissioner of Correction;
- 2 (5) the president of the Maryland Correctional Administrators  
3 Association;
- 4 (6) the president of the Maryland Sheriffs Association;
- 5 (7) the president of the Maryland Criminal Justice Association;
- 6 (8) a representative of the Federal Bureau of Prisons, designated by its  
7 Director;
- 8 (9) the Attorney General of the State;
- 9 (10) the president of a university or college in the State with a  
10 correctional education curriculum, appointed by the Maryland Higher Education  
11 Commission; [and]
- 12 (11) four correctional officers or officials of the State appointed under  
13 subsection (b) of this section; AND
- 14 (12) THE SPECIAL SECRETARY OF THE STATE OFFICE FOR VICTIMS AND  
15 WITNESSES OF CRIME OR THE SPECIAL SECRETARY'S DESIGNEE.

16 **Article - Criminal Procedure**

17 6-204.

- 18 (a) The Commission consists of the following [19] 20 members:
- 19 (1) a chairman, appointed by the Governor;
- 20 (2) (i) the Chief Judge of the Court of Appeals; or
- 21 (ii) a judge or former judge of the Court of Appeals or the Court of  
22 Special Appeals designated by the Chief Judge of the Court of Appeals;
- 23 (3) one circuit court judge, appointed by the Chief Judge of the Court of  
24 Appeals;
- 25 (4) one District Court judge, appointed by the Chief Judge of the Court of  
26 Appeals;
- 27 (5) the Attorney General or the Attorney General's designee;
- 28 (6) one State's Attorney who is recommended by the President of the  
29 Maryland State's Attorneys Association, appointed by the Governor;
- 30 (7) the Public Defender or the Public Defender's designee;

- 1 (8) a criminal defense attorney who is recommended by the President of  
2 the Maryland Criminal Defense Attorneys Association, appointed by the Governor;
- 3 (9) two members of the State Senate, including at least one member of  
4 the Senate Judicial Proceedings Committee, appointed by the President of the Senate;
- 5 (10) two members of the House of Delegates, including at least one  
6 member of the House Judiciary Committee, appointed by the Speaker of the House;
- 7 (11) the Secretary of the Department or the Secretary's designee;
- 8 (12) one representative from a victims' advocacy group, appointed by the  
9 Governor;
- 10 (13) one representative from law enforcement, appointed by the Governor;
- 11 (14) one member with a background in criminal justice or corrections  
12 policy who is a recognized expert in the field and who is appointed by the Governor;
- 13 (15) one representative of local correctional facilities, appointed by the  
14 Governor; [and]
- 15 (16) two representatives of the public, appointed by the Governor; AND
- 16 (17) THE SPECIAL SECRETARY OF THE STATE OFFICE FOR VICTIMS AND  
17 WITNESSES OF CRIME OR THE SPECIAL SECRETARY'S DESIGNEE.

18 10-208.

- 19 (a) The Advisory Board consists of the following [18] 19 members:
- 20 (1) one member of the Senate appointed by the President;
- 21 (2) one member of the House of Delegates appointed by the Speaker;
- 22 (3) three members from the Judicial Branch of State government  
23 appointed by the Chief Judge of the Court of Appeals;
- 24 (4) the Executive Director of the Governor's Office of Crime Control and  
25 Prevention;
- 26 (5) three members recommended by the Secretary;
- 27 (6) two members who are executive officials from State, county, or  
28 municipal police units;
- 29 (7) the Director of the Maryland Justice Analysis Center of the  
30 Department of Criminology and Criminal Justice of the University of Maryland;
- 31 (8) two elected county officials;

- 1 (9) the Attorney General;
- 2 (10) one elected official of a municipal corporation;
- 3 (11) one State's Attorney; [and]
- 4 (12) one member from the public; AND
- 5 (13) THE SPECIAL SECRETARY OF THE STATE OFFICE FOR VICTIMS AND  
6 WITNESSES OF CRIME.

7 11-621.

8 (a) In Part II of this subtitle the following words have the meanings indicated.

9 (b) (1) "Defendant" means a person charged with or convicted of a crime in  
10 the State that involves or causes personal injury, death, or property loss as a direct  
11 result of the crime.

12 (2) "Defendant" includes a person found not criminally responsible for  
13 criminal conduct under § 3-109 of this article.

14 (c) "Notoriety of crimes contract" means a contract or other agreement with a  
15 defendant, or a representative or assignee of a defendant, with respect to:

16 (1) the reenactment of a crime in a movie, book, magazine article, tape  
17 recording, phonograph record, radio or television presentation, or live entertainment  
18 of any kind;

19 (2) the expression of the defendant's thoughts, feelings, opinions, or  
20 emotions regarding a crime involving or causing personal injury, death, or property  
21 loss as a direct result of the crime; or

22 (3) the payment or exchange of money or other consideration or the  
23 proceeds or profits that directly or indirectly result from a crime, a sentence, or the  
24 notoriety of a crime or sentence.

25 (d) "SPECIAL SECRETARY" MEANS THE SPECIAL SECRETARY OF THE STATE  
26 OFFICE FOR VICTIMS AND WITNESSES OF CRIME.

27 (E) "Victim" means a person who suffers personal injury, death, or property  
28 loss as a direct result of crime.

29 [(e)] (F) "Victim's representative" includes the personal representative of the  
30 estate of a deceased victim and a beneficiary under a wrongful death action.

31 11-622.

32 A person who makes a notoriety of crimes contract with a defendant or a  
33 representative or assignee of that defendant shall:

1 (1) submit to the [Attorney General] SPECIAL SECRETARY a copy of all  
2 written terms and a summary of all oral terms of the notoriety of crimes contract; and

3 (2) pay over to the [Attorney General] SPECIAL SECRETARY any money  
4 or other consideration not subject to an order of restitution under § 11-603 of this  
5 subtitle that by the terms of the notoriety of crimes contract otherwise would be owed  
6 to the defendant or a representative or assignee of the defendant.

7 11-623.

8 (a) On receipt of a submission under § 11-622 of Part II of this subtitle, the  
9 [Attorney General] SPECIAL SECRETARY shall mail notice of the receipt to each  
10 victim or victim's representative at the last known address of the victim or victim's  
11 representative.

12 (b) The [Attorney General] SPECIAL SECRETARY shall decide whether a  
13 contract is a notoriety of crimes contract:

14 (1) after 30 days but before 180 days following receipt of the submission  
15 under § 11-622 of Part II of this subtitle; or

16 (2) after 180 days, for cause.

17 (c) (1) For a decision under this section, there is a rebuttable presumption  
18 that the contract is a notoriety of crimes contract.

19 (2) The defendant or defendant's assignee may rebut this presumption  
20 by establishing to the satisfaction of the [Attorney General] SPECIAL SECRETARY  
21 that the subject matter of the contract only tangentially or incidentally relates to the  
22 crime.

23 (d) The [Attorney General] SPECIAL SECRETARY:

24 (1) shall notify the defendant or defendant's assignee and the victim or  
25 victim's representative of the decision under this section; and

26 (2) may not disburse money collected under § 11-622 of Part II of this  
27 subtitle until 60 days after the defendant or defendant's assignee and the victim or  
28 victim's representative have been notified of the decision.

29 (e) (1) The decision of the [Attorney General] SPECIAL SECRETARY under  
30 this section is a final decision and may be appealed by a defendant or defendant's  
31 assignee or a victim or victim's representative only in accordance with § 11-630 of  
32 Part II of this subtitle and within 60 days after receiving notice of the decision.

33 (2) If the decision is appealed, the [Attorney General] SPECIAL  
34 SECRETARY shall keep any money collected in escrow until the [Attorney General]  
35 SPECIAL SECRETARY receives a final order of the court.

1 11-624.

2 (a) The [Attorney General] SPECIAL SECRETARY shall deposit money  
3 received under this subtitle in an interest bearing escrow account.

4 (b) Except as provided in § 11-625 of Part II of this subtitle and subsection (e)  
5 of this section, the [Attorney General] SPECIAL SECRETARY shall hold money for the  
6 benefit of and payable to the victim or victim's representative, as provided in  
7 subsection (c) of this section.

8 (c) (1) Subject to the priority of claims stated in § 11-628 of Part II of this  
9 subtitle, the [Attorney General] SPECIAL SECRETARY shall pay to the victim or  
10 victim's representative money from the escrow account to the extent of the money  
11 judgment or the amount of restitution if, within 5 years after the escrow account is  
12 established, the victim or victim's representative:

13 (i) brings or has pending a civil action against the defendant in a  
14 court of competent jurisdiction;

15 (ii) has recovered a money judgment for damages against the  
16 defendant; or

17 (iii) has been awarded restitution.

18 (2) Any money that then remains in the escrow account shall be paid as  
19 this section provides.

20 (3) Money may not be paid under this subsection until the defendant:

21 (i) has been found guilty;

22 (ii) has pleaded nolo contendere;

23 (iii) has been placed on probation before judgment; or

24 (iv) has been found not criminally responsible for criminal conduct  
25 under § 3-109 of this article.

26 (d) (1) At least once every 6 months for 5 years after the date the [Attorney  
27 General] SPECIAL SECRETARY receives money or other consideration under this  
28 subtitle, the [Attorney General] SPECIAL SECRETARY shall publish a legal notice in  
29 a newspaper of general circulation in the county where the crime was committed and  
30 in counties contiguous to that county.

31 (2) The notice shall advise the victim or victim's representative that  
32 escrow money is available to satisfy money judgments under this subtitle.

33 (3) The [Attorney General] SPECIAL SECRETARY may provide for any  
34 further notice that the [Attorney General] SPECIAL SECRETARY considers necessary.

1 (e) Except as provided in subsection (f) of this section, the [Attorney General]  
2 SPECIAL SECRETARY shall pay over to the defendant all of the money from the escrow  
3 account if:

4 (1) the charges against the defendant are dismissed;

5 (2) a nolle prosequi is entered;

6 (3) the defendant is acquitted;

7 (4) the defendant is found to be incompetent to stand trial under § 3-106  
8 of this article and at least 5 years have passed since that finding without a further  
9 disposition of the charge; or

10 (5) the charges against the defendant are placed on the stet docket, and  
11 at least 3 years have passed.

12 (f) Notwithstanding § 11-628 of Part II of this subtitle, if a defendant was  
13 convicted before July 1, 1987, the [Attorney General] SPECIAL SECRETARY shall pay  
14 over to the defendant:

15 (1) all money in the escrow account if:

16 (i) at least 5 years have passed since the escrow account was  
17 established; and

18 (ii) no action by the victim or victim's representative is pending  
19 against the defendant; or

20 (2) all money remaining in the escrow account after payment of the  
21 claims described in § 11-628 of Part II of this subtitle.

22 11-625.

23 (a) The [Attorney General] SPECIAL SECRETARY shall pay the defendant  
24 from the escrow account the money that a court of competent jurisdiction in an order  
25 finds will be used to hire legal counsel at any stage of the criminal case, including an  
26 appeal.

27 (b) After notice to each victim or victim's representative, the [Attorney  
28 General] SPECIAL SECRETARY shall pay money from the escrow account to a  
29 representative of a defendant for the necessary expenses of production of the money  
30 paid into the escrow account if the [Attorney General] SPECIAL SECRETARY finds  
31 that the payments are necessary and are not contrary to public policy.

32 (c) The [Attorney General] SPECIAL SECRETARY may pay from the escrow  
33 account the costs of legal notices required under § 11-624 of Part II of this subtitle.

34 (d) The total of all payments made from the escrow account under this section  
35 may not exceed 25% of the total payments that are:

- 1 (1) made into the escrow account; and
- 2 (2) available to satisfy judgments obtained by the victim or victim's  
3 representative.
- 4 11-626.

5 Notwithstanding any other law, including the statute of limitations for a  
6 wrongful death action, a victim or victim's representative who seeks to bring a civil  
7 action under Part II of this subtitle shall bring the action against a defendant within  
8 5 years after the [Attorney General] SPECIAL SECRETARY establishes an escrow  
9 account.

10 11-628.

11 (a) Notwithstanding any other law, a claim on money in the escrow account  
12 has the following priorities in this order:

- 13 (1) payments ordered by the [Attorney General] SPECIAL SECRETARY or  
14 a court under § 11-625 of Part II of this subtitle;
- 15 (2) subrogation claims of the State under § 11-817 of this title;
- 16 (3) a court order of restitution under § 11-603 of this subtitle;
- 17 (4) a civil judgment of a victim or victim's representative; and
- 18 (5) a civil judgment of a person, other than a victim or victim's  
19 representative, arising out of the crime.

20 (b) The [Attorney General] SPECIAL SECRETARY may bring an action of  
21 interpleader or an action for declaratory judgment when the [Attorney General]  
22 SPECIAL SECRETARY is unable to determine the priority of claims and the proper  
23 disposition of the escrow account.

24 (c) After payment of the claims described in subsection (a) of this section, the  
25 [Attorney General] SPECIAL SECRETARY shall deposit the money remaining in the  
26 escrow account in the State Victims of Crime Fund that is established under § 11-916  
27 of this title.

28 11-629.

29 (a) Notwithstanding any other law, the [Attorney General] SPECIAL  
30 SECRETARY has exclusive jurisdiction and control as escrow agent over money or  
31 other consideration subject to Part II of this subtitle.

32 (b) Money in an escrow account may be distributed only by a determination  
33 and order of the [Attorney General] SPECIAL SECRETARY under Part II of this  
34 subtitle.

1 (c) The [Attorney General] SPECIAL SECRETARY may adopt regulations to  
2 carry out Part II of this subtitle.

3 11-630.

4 A person aggrieved by a final determination and order of the [Attorney  
5 General] SPECIAL SECRETARY under Part II of this subtitle may seek judicial review.  
6 11-631.

7 (a) A person may not willfully fail:

8 (1) to submit to the [Attorney General] SPECIAL SECRETARY a copy of  
9 all written terms and a summary of all oral terms of a notoriety of crimes contract  
10 described in § 11-622 of Part II of this subtitle; or

11 (2) to pay over to the [Attorney General] SPECIAL SECRETARY any  
12 money or other consideration as this subtitle requires.

13 (b) (1) A person who violates this section is subject to a civil penalty of not  
14 less than \$10,000 for each offense and not exceeding 3 times the notoriety of crimes  
15 contract amount.

16 (2) If two or more persons are subject to the penalties provided in this  
17 section, those persons shall be jointly and severally liable for the payment of the  
18 penalty imposed.

19 (3) After notice and opportunity to be heard is provided, the [Attorney  
20 General] SPECIAL SECRETARY by order may assess the penalties described in this  
21 subsection.

22 (4) A penalty assessed under this subsection that is not paid within 30  
23 days after the date of the order shall bear interest at the rate of 1% per month,  
24 compounded monthly.

25 (5) (i) An action to recover a civil penalty assessed under this  
26 subsection may be brought by the [Attorney General] SPECIAL SECRETARY in a court  
27 of competent jurisdiction within 6 years after the cause of action accrues.

28 (ii) Any money recovered under subparagraph (i) of this paragraph  
29 shall be paid into the State Victims of Crime Fund that is established under § 11-916  
30 of this title.

31 11-632.

32 (a) The [Attorney General] SPECIAL SECRETARY may bring a proceeding in a  
33 court of competent jurisdiction against a person who violates or threatens to violate  
34 Part II of this subtitle to restrain the person from continuing the violation or carrying  
35 out the threat.



1 (b) In a proceeding under this section, a court has jurisdiction to grant to the  
2 [Attorney General] SPECIAL SECRETARY, without bond or other undertaking, a  
3 prohibitory or mandatory injunction as the facts may warrant, including temporary  
4 restraining orders and preliminary injunctions to prevent payments under a notoriety  
5 of crimes contract that violates Part II of this subtitle.

6 11-801.

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

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

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

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

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

13 1. this State; or

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

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

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

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

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

24 (e) "Dependent" means:

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

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

27 (f) "SPECIAL SECRETARY" MEANS THE SPECIAL SECRETARY OF THE STATE  
28 OFFICE FOR VICTIMS AND WITNESSES OF CRIME.

29 (G) "Victim" means a person:

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

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

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

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

5 (iii) physical injury or death directly resulting from a crime or  
6 delinquent act; or

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

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

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

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

16 11-803.

17 The SPECIAL Secretary may designate a person to carry out the duties of the  
18 SPECIAL Secretary.

19 11-804.

20 (a) There is a Criminal Injuries Compensation Board in the [Department]  
21 STATE OFFICE FOR VICTIMS AND WITNESSES OF CRIME.

22 (b) (1) The Board consists of five members.

23 (2) Of the five members of the Board:

24 (i) no more than four may belong to the same political party; and

25 (ii) one shall have been admitted to practice law in the State for at  
26 least 5 years immediately preceding the appointment.

27 (3) The SPECIAL Secretary shall appoint the members of the Board, with  
28 the approval of the Governor and the advice and consent of the Senate.

29 (c) (1) The term of a member is 5 years.

30 (2) A member who is appointed to fill a vacancy occurring other than by  
31 expiration of a term serves for the rest of the unexpired term.

32 (d) (1) With the approval of the Governor, the SPECIAL Secretary shall  
33 designate one member of the Board as chairman.

1 (2) The chairman serves at the pleasure of the SPECIAL Secretary.

2 (e) (1) Each member of the Board shall devote the time necessary to perform  
3 the duties listed under this subtitle.

4 (2) Each member of the Board is entitled to:

5 (i) compensation in accordance with the State budget; and

6 (ii) reimbursement for expenses under the Standard State Travel  
7 Regulations, as provided in the State budget.

8 11-805.

9 (a) Subject to the authority of the SPECIAL Secretary [as set forth in Title 2,  
10 Subtitle 1 of the Correctional Services Article], the Board has the following powers  
11 and duties:

12 (1) to establish and maintain an office and to appoint and prescribe the  
13 duties of a claims examiner, a [secretary] DIRECTOR, clerks, and any other  
14 employees and agents as may be necessary;

15 (2) to adopt regulations to carry out the provisions and purposes of this  
16 subtitle, including procedures for the review and evaluation of claims and regulations  
17 for the approval of attorneys' fees for representation before the Board or before the  
18 court on judicial review;

19 (3) to request from the State's Attorney, the Department of State Police,  
20 or county or municipal police departments any investigation and information that will  
21 help the Board to determine:

22 (i) whether a crime or a delinquent act was committed or  
23 attempted; and

24 (ii) whether and to what extent the victim or claimant was  
25 responsible for the victim's or claimant's own injury;

26 (4) to hear and determine each claim for an award filed with the Board  
27 under this subtitle and to reinvestigate or reopen a case as the Board determines to  
28 be necessary;

29 (5) to direct medical examination of victims;

30 (6) to hold hearings, administer oaths, examine any person under oath,  
31 and issue subpoenas requiring the attendance and testimony of witnesses or  
32 requiring the production of documents or other evidence;

33 (7) to take or cause to be taken affidavits or depositions within or outside  
34 the State; and

1 (8) to submit each year to the Governor, to the SPECIAL Secretary, and,  
2 subject to § 2-1246 of the State Government Article, to the General Assembly a  
3 written report of the activities of the Board.

4 11-814.

5 (a) Within 30 days after the receipt of a claim, the Board shall notify the  
6 claimant if additional material is required.

7 (b) (1) Except as provided in paragraph (2) of this subsection, within 90 days  
8 after the receipt of a claim and all necessary supporting material, the Board shall:

9 (i) complete the review and evaluation of each claim; and

10 (ii) file with the SPECIAL Secretary a written report setting forth  
11 the decision and the reasons in support of the decision.

12 (2) For good cause shown, for a period not to exceed 1 year the Board  
13 may extend the time to file its report with the SPECIAL Secretary after receipt of the  
14 claim and all necessary supporting material until the first to occur of the following  
15 events:

16 (i) the claimant no longer has expenses related to the crime; or

17 (ii) the claimant has been awarded the maximum amount  
18 authorized under §§ 11-811(b) and 11-812 of this subtitle.

19 (c) Within 30 days after the receipt of a written report from the Board, the  
20 SPECIAL Secretary shall modify, affirm, or reverse the decision of the Board.

21 (d) The decision of the SPECIAL Secretary to affirm, modify, or reverse the  
22 decision of the Board is final.

23 (e) The claimant shall be given a copy of the final report on request.

24 11-815.

25 Within 30 days after the final decision of the SPECIAL Secretary, a claimant  
26 aggrieved by that decision may appeal the decision under §§ 10-222 and 10-223 of  
27 the State Government Article.

28 11-910.

29 (a) In Part II of this subtitle the following words have the meanings indicated.

30 (b) "Board" means the State Board of Victim Services.

31 (c) "Crime" means conduct that is a crime under:

32 (1) common law;

1 (2) this article;

2 (3) Article 27 of the Code; or

3 (4) § 3-218, § 3-305(c)(2), § 3-409(a) or (c), § 3-803(b), § 3-807(i), §  
 4 3-808(d), § 3-811(c), § 8-801, § 8-802, § 9-602(e), § 11-702(b)(8), § 11-703(d)(5)(iii), §  
 5 11-706(b)(8), § 11-708(b)(8)(ii), § 11-711(h)(2), § 11-712(c)(6)(ii), § 11-714(c)(6), §  
 6 11-715(g)(2), § 11-716(h)(2), § 11-723(b)(8), or § 11-726 of the Correctional Services  
 7 Article.

8 (d) ["Executive Director" means the Executive Director of the Governor's  
 9 Office of Crime Control and Prevention.

10 (e) "Fund" means the State Victims of Crime Fund.

11 [(f)] (E) "OFFICE" MEANS THE STATE OFFICE FOR VICTIMS AND WITNESSES  
 12 OF CRIME.

13 (F) "SPECIAL SECRETARY" MEANS THE SPECIAL SECRETARY FOR THE STATE  
 14 OFFICE FOR VICTIMS AND WITNESSES OF CRIME.

15 (G) (1) "Victim" means a person who suffers direct or threatened physical,  
 16 emotional, or financial harm as a direct result of a crime or of a violation of § 21-902  
 17 of the Transportation Article.

18 (2) "Victim" includes a family member of a minor, incompetent, or  
 19 homicide victim.

20 11-911.

21 There is a State Board of Victim Services in the [Governor's Office of Crime  
 22 Control and Prevention created by Executive Order 01.01.1995.18] STATE OFFICE  
 23 FOR VICTIMS AND WITNESSES OF CRIME.

24 11-912.

25 (a) The Board consists of the following 22 members:

26 (1) as ex officio members:

27 (i) the Governor or the Governor's designee;

28 (ii) the Attorney General or the Attorney General's designee;

29 (iii) the chairman of the Maryland Criminal Injuries Compensation  
 30 Board;

31 (iv) the Secretary of Human Resources or the Secretary's designee;

32 (v) the Secretary of Juvenile Justice or the Secretary's designee;

1 (vi) the Secretary of Public Safety and Correctional Services or the  
2 Secretary's designee; and

3 (vii) the [Executive Director] SPECIAL SECRETARY or the  
4 [Executive Director's] SPECIAL SECRETARY'S designee; and

5 (2) 14 persons appointed by the Governor as follows:

6 (i) two State's Attorneys, recommended by the Attorney General;

7 (ii) six members of the public, recommended by the [Executive  
8 Director] SPECIAL SECRETARY;

9 (iii) four professional victim service providers, recommended by the  
10 [Executive Director] SPECIAL SECRETARY;

11 (iv) one representative of the Maryland Chiefs of Police;

12 (v) one representative of the Maryland State Sheriff's Association;  
13 and

14 (3) one member of the judiciary of the State, appointed by the Chief  
15 Judge of the Court of Appeals.

16 11-914.

17 Subject to the authority of the [Executive Director] SPECIAL SECRETARY, the  
18 Board shall:

19 (1) submit to the Governor an annual written report of its activities,  
20 including its administration of the Fund;

21 (2) monitor the service needs of victims;

22 (3) advise the Governor on the needs of victims;

23 (4) recommend the appointment of the Victim Services Coordinator to  
24 the [Executive Director] SPECIAL SECRETARY;

25 (5) review and approve the Victim Services Coordinator's plans and  
26 annual reports, and the Victim Services Coordinator's implementation, operation, and  
27 revision of programs;

28 (6) approve or disapprove each grant application submitted by the  
29 [Governor's Office of Crime Control and Prevention] OFFICE;

30 (7) advise the State's Attorneys' Coordination Council on the adoption of  
31 regulations governing the administration of the Victim and Witness Protection and  
32 Relocation Program established under § 11-902 of this subtitle;

1 (8) advise the State's Attorneys' Coordinator on the administration of the  
2 Victim and Witness Protection and Relocation Program;

3 (9) develop pamphlets to notify victims of the rights, services, and  
4 procedures provided under Article 47 of the Maryland Declaration of Rights or State  
5 law, including:

6 (i) one pamphlet relating to the time before and after the filing of a  
7 charging document other than an indictment or information in circuit court; and

8 (ii) a second pamphlet relating to the time after the filing of an  
9 indictment or information in circuit court; and

10 (10) develop a notification request form in consultation with the  
11 Administrative Office of the Courts, through which a victim may request to be  
12 notified under § 11-104 of this title.

13 11-915.

14 (a) The [Executive Director] SPECIAL SECRETARY shall appoint a Victim  
15 Services Coordinator.

16 (b) Subject to the authority of the [Executive Director] SPECIAL SECRETARY,  
17 the Victim Services Coordinator shall:

18 (1) provide staff support to the Board on victim services matters;

19 (2) monitor, assess, and make recommendations on State and local  
20 victim compensation programs and procedures;

21 (3) provide technical assistance to local public and private programs that  
22 provide victim assistance;

23 (4) research and gather data on victims and victim assistance programs,  
24 and disseminate the data to the public;

25 (5) submit to the Governor, the Attorney General, the Secretary of Public  
26 Safety and Correctional Services, and the Board an annual report that includes  
27 recommendations on how to improve victim assistance programs;

28 (6) ensure that the rights of victims are observed;

29 (7) help victims to get the information to which they have a right; and

30 (8) monitor compliance with the guidelines for treatment of and  
31 assistance to victims and witnesses under §§ 11-1002 and 11-1003 of this title.

32 (c) The Victim Services Coordinator is entitled to compensation as provided in  
33 the State budget.

1 11-919.

2 (a) There is a grant program.

3 (b) The [Governor's Office of Crime Control and Prevention] OFFICE shall:

4 (1) adopt regulations for the administration and award of grants under  
5 Part II of this subtitle; and

6 (2) submit all approved grant applications to the Board.

7 (c) The Board shall approve each grant application received by the  
8 [Governor's Office of Crime Control and Prevention] OFFICE before any money is  
9 released from the Fund.

10 SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act affects  
11 the term of office of an appointed or elected member of any department, board,  
12 commission, committee, agency, or other unit. An individual who is a member of a  
13 unit on the effective date of this Act shall remain a member for the balance of the  
14 term to which appointed or elected unless the member sooner dies, resigns, or is  
15 removed under provisions of law.

16 SECTION 3. AND BE IT FURTHER ENACTED, That any employee who is  
17 transferred under this Act to the State Office for Victims and Witnesses of Crime  
18 without any further examination, qualification, or probationary period shall retain  
19 merit system or retirement status and shall not suffer any diminution of salary,  
20 wages, accrued leave, or seniority rights and status as a result of such transfer.

21 SECTION 4. AND BE IT FURTHER ENACTED, That any transaction affected  
22 by or flowing from any statute here amended, repealed, or transferred, and validly  
23 entered into before the effective date of this Act and every right, duty, or interest  
24 flowing from it remains valid after the effective date and may be terminated,  
25 completed, consummated, or enforced pursuant to law.

26 SECTION 5. AND BE IT FURTHER ENACTED, That any rules and  
27 regulations, standards, guidelines, orders and other directives, forms, plans,  
28 memberships, funds, appropriations, contracts, properties, administrative and  
29 judicial proceedings, rights to sue and be sued, and other duties and responsibilities  
30 associated with those functions affected by this Act shall continue in effect until  
31 completed, withdrawn, canceled, modified, or otherwise changed in accordance with  
32 law.

33 SECTION 6. AND BE IT FURTHER ENACTED, That the personnel, records,  
34 files, furniture, fixtures, and other properties and all appropriations, credits, assets,  
35 liabilities, and obligations of the State Board of Victim Services and the Criminal  
36 Injuries Compensation Board are continued as the personnel, records, files, furniture,  
37 fixtures, properties, appropriations, credits, assets, liabilities, and obligations of the  
38 State Office for Victims and Witnesses of Crime.



1 SECTION 7. AND BE IT FURTHER ENACTED, That the Governor shall  
2 appropriate general, special, and federal funds that were previously budgeted to the  
3 State Board of Victim Services and the Criminal Injuries Compensation Fund to the  
4 State Office for Victims and Witnesses of Crime.

5 SECTION 8. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 January 1, 2003.