

Department of Legislative Services  
Maryland General Assembly  
2002 Session

FISCAL NOTE

House Bill 879

(Delegate Giannetti)

Judiciary

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

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This bill expands the definition of claimant under provisions relating to the Criminal Injuries Compensation Fund to include a “permanent cemetery” that sustains property damage to “funerary objects” as a result of a crime or delinquent act committed within the cemetery. The bill provides that the cemetery is eligible to file a claim for up to \$5,000 for expenses reasonably incurred for repair of the funerary objects. All such claims are required to be made within a period of five years after the criminal act.

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**Fiscal Summary**

**State Effect:** This bill is not expected to have a significant impact on the operations or finances of the Criminal Injuries Compensation Fund or the Criminal Injuries Compensation Board.

**Local Effect:** None.

**Small Business Effect:** Minimal.

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**Analysis**

**Bill Summary:** “Permanent cemetery” is defined as a cemetery that is owned by: (1) a cemetery company regulated under Title 5 of the Business Regulation Article; (2) a nonprofit organization; or (3) the State.

“Funerary object” is defined as an item of human manufacture or use that is intentionally placed with human remains at the time of interment in a burial site, or after interment, as

a part of a death ceremony of a culture, religion, or group. Funerary object includes a gravestone, monument, tomb, or other structure in or directly associated with a burial site.

**Current Law:** The following persons are eligible for awards from the Criminal Injuries Compensation Fund:

- a victim;
- a dependent of a victim who died as a direct result of:
  - a crime or delinquent act;
  - trying to prevent a crime or delinquent act or an attempted crime or delinquent act from occurring in the victim's presence or trying to apprehend a person who had committed a crime or delinquent act in the victim's presence or had committed a felony or a delinquent act that would be considered a felony if committed by an adult; or
  - helping a law enforcement officer perform the officer's duties or helping a member of a fire department who is obstructed from performing the member's duties;
- any person who paid or assumed responsibility for the funeral expenses of a victim who died as a direct result of:
  - a crime or delinquent act;
  - trying to prevent a crime or delinquent act or an attempted crime or delinquent act from occurring in the victim's presence or trying to apprehend a person who had committed a crime or delinquent act in the victim's presence or had committed a felony; or
  - helping a law enforcement officer perform the officer's duties or helping a member of a fire department who is obstructed from performing the member's duties; and
- a parent, child, or spouse of a victim who resides with the victim.

A person who commits the crime or delinquent act that is the basis of a claim, or an accomplice of the person, is not eligible to receive an award.

A claimant must file a claim not later than 180 days after the occurrence of the crime or delinquent act on which the claim is based or 180 days after the death of the victim.

The Criminal Injuries Compensation Board may make an award only if the board finds that: (1) a crime or delinquent act was committed; or (2) the crime or delinquent act directly resulted in physical injury to or death of the victim or psychological injury to the victim that necessitated mental health counseling; (3) police, other law enforcement, or judicial records show that the crime or delinquent act or the discovery of child abuse was reported to the proper authorities within 48 hours after the occurrence of the crime or delinquent act or the discovery of the child abuse; and (4) the victim has cooperated fully with all law enforcement units.

The board may make an award only if the claimant, as a result of the injury on which the claim is based, has: (1) incurred at least \$100 in unreimbursed and unreimbursable expenses or indebtedness reasonably incurred or claimed for specified necessary services; or (2) lost at least two continuous weeks' earnings or support.

An award for funeral expenses may not exceed \$5,000.

**Background:** The Criminal Injuries Compensation Board provides financial assistance for innocent victims of crime. The board may compensate victims who suffer physical injury for their medical expenses and loss of earnings. In cases of homicide, the board may assist with funeral expenses and loss of support on the part of the victim's dependents.

In Maryland, there are currently 65 for-profit cemeteries, about 300 nonprofit cemeteries, and about 800 religious cemeteries. Cemeteries do not generally own gravestones and monuments. They are the property of the inheritors of the estate and covered by their homeowner's insurance.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Public Safety and Correctional Services (Criminal Injuries Compensation Board); Department of Labor, Licensing, and Regulation (Office of Cemetery Oversight); Department of Legislative Services

**Fiscal Note History:** First Reader - February 27, 2002  
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