Unofficial Copy E2 HB 455/02 - JUD 2003 Regular Session 3lr1274 CF 3lr1275

By: Delegate Vallario (Task Force to Examine Maryland's Crime Victims'
Rights Laws) and Delegates Amedori, Barkley, Boschert, Boutin,
Bronrott, Cadden, Conway, Donoghue, Dumais, Fulton, Goldwater,
Hammen, Healey, Heller, Hixson, Howard, Hubbard, Impallaria, Kach,
Lee, Love, Mandel, McDonough, Menes, Minnick, Morhaim, O'Donnell,

Owings, Pendergrass, Rawlings, Rudolph, Sophocleus, and Stocksdale

Introduced and read first time: February 7, 2003

Assigned to: Judiciary

#### 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
- appointed by the Governor; establishing the salary and responsibilities of the
- Special Secretary; authorizing the Special Secretary to employ certain staff;
- 12 establishing the duties of the Office; providing for certain salaries and expenses
- of the Office; providing for the establishment of standards of training and
- 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
- 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
- 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,

37

1 Article 10 - Legal Officials 2 Section 41D(a) 3 Annotated Code of Maryland (2001 Replacement Volume and 2002 Supplement) 4 5 BY adding to Article 41 - Governor - Executive and Administrative Departments 6 7 Section 10-1001 through 10-1006, inclusive, to be under the new subtitle 8 "Subtitle 10. State Office for Victims and Witnesses of Crime" 9 Annotated Code of Maryland (1997 Replacement Volume and 2002 Supplement) 10 11 BY repealing and reenacting, with amendments, Article 49D - Office for Children, Youth, and Families 12 13 Section 4.1(b) 14 Annotated Code of Maryland 15 (1998 Replacement Volume and 2002 Supplement) 16 BY repealing and reenacting, with amendments, 17 Article 83C - Juvenile Justice 18 Section 2-107(a) 19 Annotated Code of Maryland 20 (1998 Replacement Volume and 2002 Supplement) 21 BY repealing and reenacting, with amendments, Article - Correctional Services 22 23 Section 8-204(a) Annotated Code of Maryland 24 25 (1999 Volume and 2002 Supplement) 26 BY repealing and reenacting, with amendments, 27 Article - Criminal Procedure 28 Section 6-204(a), 10-208(a), 11-621 through 11-626, inclusive, 11-628 through 29 11-632, inclusive, 11-801, 11-803, 11-804, 11-805(a), 11-814, 11-815, 11-910, 11-911, 11-912(a), 11-914, 11-915, and 11-919 30 Annotated Code of Maryland 31 (2001 Volume and 2002 Supplement) 32 33 BY repealing and reenacting, without amendments, Article - Public Safety 34 35 Section 2-702(a) 36 Annotated Code of Maryland

(As enacted by Chapter \_\_\_\_ (S.B. 1) of the Acts of the General Assembly of

1		2003)	
2 3 4 5 6 7	Article Section Annota	- Public S 2-702(b) ted Code	enacting, with amendments, Safety and 3-203(a) of Maryland Chapter (S.B. 1) of the Acts of the General Assembly of
8 9			TIT ENACTED BY THE GENERAL ASSEMBLY OF the Laws of Maryland read as follows:
10			Article 10 - Legal Officials
11	41D.		
12	(a)	The Sta	te's Attorneys' Coordination Council is created. It consists of:
13		(1)	The Attorney General;
14		(2)	The State's Attorney for Baltimore City;
15		(3)	The State's Attorney for Baltimore County;
16		(4)	The State's Attorney for Anne Arundel County;
17		(5)	The State's Attorney for Prince George's County;
18		(6)	The State's Attorney for Montgomery County;
19 20	who is chos	(7) sen by a n	The State's Attorney from either Howard, Carroll, or Harford County najority vote of the State's Attorneys of these counties;
21 22	County who	(8) o is chose	The State's Attorney from either St. Mary's, Charles, or Calvert en by a majority vote of the State's Attorneys of these counties;
	Garrett Coucounties;	(9) inty who	The State's Attorney from either Frederick, Washington, Allegany, or is chosen by a majority vote of the State's Attorneys for these
	Talbot Cou counties; [a	•	The State's Attorney of either Cecil, Kent, Queen Anne's, Caroline, or as chosen by a majority vote of the State's Attorneys for these
	Somerset C counties; A		The State's Attorney of either Dorchester, Wicomico, Worcester, or no is chosen by a majority vote of the State's Attorneys for these
32 33	WITNESSI	(12) ES OF CH	THE SPECIAL SECRETARY OF THE STATE OFFICE FOR VICTIMS AND RIME.

•	HOUSE BILL 704
1	Article 41 - Governor - Executive and Administrative Departments
2	SUBTITLE 10. STATE OFFICE FOR VICTIMS AND WITNESSES OF CRIME.
3	10-1001.
4 5	(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.
6 7	(B) "OFFICE" MEANS THE STATE OFFICE FOR VICTIMS AND WITNESSES OF CRIME.
8 9	(C) "SPECIAL SECRETARY" MEANS THE SPECIAL SECRETARY FOR VICTIMS AND WITNESSES OF CRIME.
10	10-1002.
11 12	(A) THERE IS A STATE OFFICE FOR VICTIMS AND WITNESSES OF CRIME IN THE EXECUTIVE DEPARTMENT.
	(B) THE PURPOSE OF THE OFFICE IS TO COORDINATE STATE RESPONSIBILITIES FOR GUARANTEEING THE RIGHTS OF AND PROVIDING SERVICES TO VICTIMS AND WITNESSES OF CRIMES AND DELINQUENT ACTS.
16	10-1003.
	IN RECOGNITION THAT STATE AND LOCAL LAW, PROGRAMS, AND PROCEDURES MUST BE UPDATED CONTINUALLY TO MEET THE UNIQUE NEEDS OF VICTIMS OF CRIME AND DELINQUENT ACTS, THE GENERAL ASSEMBLY FINDS THAT:
22	(1) THERE IS A NEED FOR CONSOLIDATED EFFORTS FOR THE PURPOSE OF MONITORING, ASSESSING, COORDINATING, AND MAKING RECOMMENDATIONS CONCERNING STATE AND LOCAL EFFORTS TO ASSIST VICTIMS OF CRIMES AND DELINQUENT ACTS;
24 25	(2) VICTIMS' PROGRAMS SHOULD BE TRANSFERRED AND CONSOLIDATED TO BE UNDER THE AUTHORITY OF THE OFFICE; AND
26 27	(3) THE ADMINISTRATIVE CONSOLIDATION EFFECTED BY THIS TRANSFER WILL:
	(I) MINIMIZE FRAGMENTATION OF FUNCTIONS THAT THE STATE GOVERNMENT PERFORMS ON BEHALF OF VICTIMS OF CRIME AND DELINQUENT ACTS; AND
	(II) IMPROVE THE COORDINATION, EFFICIENCY, AND EFFECTIVENESS OF STATE ASSISTANCE TO VICTIMS OF CRIME AND DELINQUENT ACTS.

- 1 10-1004.
- 2 (A) (1) THE HEAD OF THE OFFICE IS THE SPECIAL SECRETARY FOR VICTIMS 3 AND WITNESSES OF CRIME.
- 4 (2) THE SPECIAL SECRETARY IS APPOINTED BY AND SERVES AT THE
- 5 PLEASURE OF THE GOVERNOR AND IS DIRECTLY RESPONSIBLE TO THE GOVERNOR.
- 6 (3) THE SPECIAL SECRETARY SHALL RECEIVE THE SALARY PROVIDED 7 FOR IN THE STATE BUDGET.
- 8 (B) THE SPECIAL SECRETARY IS RESPONSIBLE FOR CARRYING OUT THE
- 9 DUTIES OF THE OFFICE AND SHALL ESTABLISH GUIDELINES AND PROCEDURES TO
- 10 PROMOTE THE ORDERLY AND EFFICIENT ADMINISTRATION OF THE OFFICE.
- 11 (C) THE SPECIAL SECRETARY SHALL EMPLOY THE STAFF NECESSARY FOR 12 CARRYING OUT THE FUNCTIONS OF THE OFFICE.
- 13 10-1005.
- 14 THE OFFICE SHALL:
- 15 (1) ADMINISTER PROGRAMS AND ACTIVITIES FOR VICTIMS AND
- 16 WITNESSES OF CRIME AND DELINOUENT ACTS THAT ARE NOT OTHERWISE
- 17 COMMITTED BY LAW TO ANOTHER UNIT OF STATE GOVERNMENT:
- 18 (2) EVALUATE THE SERVICE NEEDS OF VICTIMS AND WITNESSES OF 19 CRIMES AND DELINQUENT ACTS IN THE STATE;
- 20 (3) DETERMINE THE EXTENT OF COMPLIANCE WITH STATE LAWS 21 REGARDING RIGHTS OF VICTIMS OF CRIME AND DELINQUENT ACTS;
- 23 STATE AND LOCAL PROGRAMS AND SERVICES, BOTH PUBLIC AND PRIVATE, INSOFAR

SUBJECT TO EXISTING LAW, COORDINATE AND EVALUATE ALL

- 24 AS THEY RELATE TO AND ARE IMPORTANT TO THE WELL-BEING OF THE STATE'S
- 25 VICTIMS AND WITNESSES OF CRIME AND DELINQUENT ACTS;
- 26 (5) REPRESENT THE INTERESTS OF VICTIMS AND WITNESSES OF CRIME
- 27 AND DELINQUENT ACTS BY SERVING AS AN ADVOCATE AT ALL LEVELS OF
- 28 GOVERNMENT;
- 29 (6) COOPERATE WITH STATE, FEDERAL, AND LOCAL GOVERNMENTAL
- 30 UNITS IN CARRYING OUT THE DUTIES OF THE OFFICE;
- 31 (7) ACCEPT AND USE STATE AND FEDERAL FUNDS TO CARRY OUT THE
- 32 DUTIES OF THE OFFICE; AND
- 33 (8) PREPARE AND SUBMIT A BUDGET IN ACCORDANCE WITH THE
- 34 NORMAL BUDGET PROCESS.

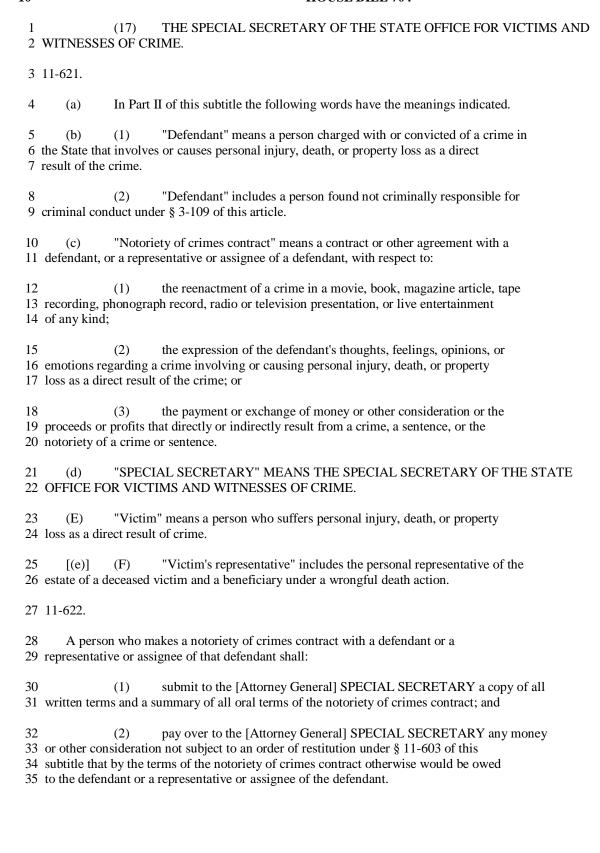
1 10-1006.

4		ELLANE	ALARIES AND EXPENSES FOR STAFF, RENT, STATIONERY, POSTAGE, COUS OFFICE MATERIALS NECESSARY FOR THE WORK OF THE SECRETARY, AND STAFF SHALL BE PROVIDED IN THE STATE						
		AL SECI	PPERATION WITH THE SECRETARY OF BUDGET AND MANAGEMENT, RETARY SHALL SET MINIMUM STANDARDS OF TRAINING AND POSITIONS IN THE OFFICE.						
9			Article 49D - Office for Children, Youth, and Families						
10	4.1.								
11	(b)	The Sub	ocabinet for Children, Youth, and Families consists of:						
12		(1)	The Special Secretary;						
13		(2)	The Secretary of Health and Mental Hygiene;						
14		(3)	The Secretary of Human Resources;						
15		(4)	The Secretary of Juvenile Justice;						
16		(5)	The State Superintendent of Schools;						
17		(6)	The Secretary of Budget and Management;						
18		(7)	The Director of the Office for Individuals with Disabilities; [and]						
19 20	WITNESSE	(8) ES OF CR	THE SPECIAL SECRETARY OF THE STATE OFFICE FOR VICTIMS AND RIME; AND						
21 22	designates.	(9)	A representative from any other State agency that the Governor						
23			Article 83C - Juvenile Justice						
24	2-107.								
25 26	(a) the Governo	(1) or.	The State Advisory Board consists of [18] 19 members appointed by						
27		(2)	Of the [18] 19 State Advisory Board members:						
28			(i) 1 shall be a representative of the Department;						
29 30	Mental Hyg	iene;	(ii) 1 shall be a representative of the Department of Health and						

1 2	Education;		(iii)	1 shall be a representative of the State Department of
3			(iv)	1 shall be a representative of the Department of State Police;
4 5	Administrati	on;	(v)	1 shall be a representative of the State Social Services
6			(vi)	1 shall be a representative of a voluntary child welfare agency;
7			(vii)	3 shall be representatives of the State judiciary;
	recommende the House; [		(viii) President	2 shall be representatives of the General Assembly with one of the Senate and one recommended by the Speaker of
11 12	VICTIMS A	AND WIT	(ix) TNESSES	1 SHALL BE A REPRESENTATIVE OF THE STATE OFFICE FOR S OF CRIME; AND
13			(X)	7 shall be from the general public.
14				Article - Correctional Services
15	8-204.			
16	(a)	The Cor	nmission	consists of the following [14] 15 members:
17		(1)	the Secr	etary of Public Safety and Correctional Services;
18		(2)	the Secr	etary of Juvenile Justice;
19		(3)	the Dire	ctor of the Division of Parole and Probation;
20		(4)	the Com	nmissioner of Correction;
21 22	Association	(5)	the pres	ident of the Maryland Correctional Administrators
23		(6)	the pres	ident of the Maryland Sheriffs Association;
24		(7)	the pres	ident of the Maryland Criminal Justice Association;
25 26	Director;	(8)	a repres	entative of the Federal Bureau of Prisons, designated by its
27		(9)	the Atto	rney General of the State;
	correctional Commission			ident of a university or college in the State with a lum, appointed by the Maryland Higher Education

1 2	subsection (b	(11) o) of this	our correctional officers or officials of the State appointed under ection; AND	
3	WITNESSE	(12) S OF CRI	THE SPECIAL SECRETARY OF THE STATE OFFICE FOR VICTIMS ANI ME OR THE SPECIAL SECRETARY'S DESIGNEE.	)
5			Article - Criminal Procedure	
6	6-204.			
7	(a)	The Con	mission consists of the following [19] 20 members:	
8		(1)	chairman, appointed by the Governor;	
9		(2)	i) the Chief Judge of the Court of Appeals; or	
10 11	Special App	eals desig	ii) a judge or former judge of the Court of Appeals or the Court of atted by the Chief Judge of the Court of Appeals;	
12 13	Appeals;	(3)	one circuit court judge, appointed by the Chief Judge of the Court of	
14 15	Appeals;	(4)	one District Court judge, appointed by the Chief Judge of the Court of	
16		(5)	he Attorney General or the Attorney General's designee;	
17 18	Maryland St	(6) tate's Atto	one State's Attorney who is recommended by the President of the neys Association, appointed by the Governor;	
19		(7)	he Public Defender or the Public Defender's designee;	
20 21	the Marylan	(8) d Crimin	criminal defense attorney who is recommended by the President of Defense Attorneys Association, appointed by the Governor;	
22 23	the Senate J	(9) udicial Pr	wo members of the State Senate, including at least one member of ceedings Committee, appointed by the President of the Senate;	
24 25	member of t	(10) the House	wo members of the House of Delegates, including at least one fudiciary Committee, appointed by the Speaker of the House;	
26		(11)	he Secretary of the Department or the Secretary's designee;	
27 28	Governor;	(12)	one representative from a victims' advocacy group, appointed by the	
29		(13)	one representative from law enforcement, appointed by the Governor;	
30 31	policy who	(14) is a recog	one member with a background in criminal justice or corrections ized expert in the field and who is appointed by the Governor;	

1 2	Governor; [a	(15) and]	one representative of local correctional facilities, appointed by the
3		(16)	two representatives of the public, appointed by the Governor; AND
4 5	WITNESSE	(17) S OF CR	THE SPECIAL SECRETARY OF THE STATE OFFICE FOR VICTIMS AND IME OR THE SPECIAL SECRETARY'S DESIGNEE.
6	10-208.		
7	(a)	The Adv	visory Board consists of the following [22] 23 members:
8		(1)	one member of the Senate appointed by the President;
9		(2)	one member of the House of Delegates appointed by the Speaker;
10 11	appointed by	(3) y the Chie	three members from the Judicial Branch of State government ef Judge of the Court of Appeals;
12 13	Prevention;	(4)	the Executive Director of the Governor's Office of Crime Control and
14		(5)	three members recommended by the Secretary;
15 16	municipal p	(6) olice unit	two members who are executive officials from State, county, or s;
17 18	Department	(7) of Crimin	the Director of the Maryland Justice Analysis Center of the nology and Criminal Justice of the University of Maryland;
19		(8)	two elected county officials;
20		(9)	the Attorney General;
21		(10)	one elected official of a municipal corporation;
22		(11)	one State's Attorney;
23 24	recommende	(12) ed by the	one member of the State Council on Child Abuse and Neglect council chairperson;
25 26	recommende	(13) ed by the	one representative of the Department of Health and Mental Hygiene, Secretary of Health and Mental Hygiene;
27 28	recommende	(14) ed by the	one representative of the Department of Juvenile Justice Secretary of Juvenile Justice;
29 30	recommende	(15) ed by the	one representative from the Motor Vehicle Administration Secretary of Transportation; [and]
31		(16)	one member from the public; AND

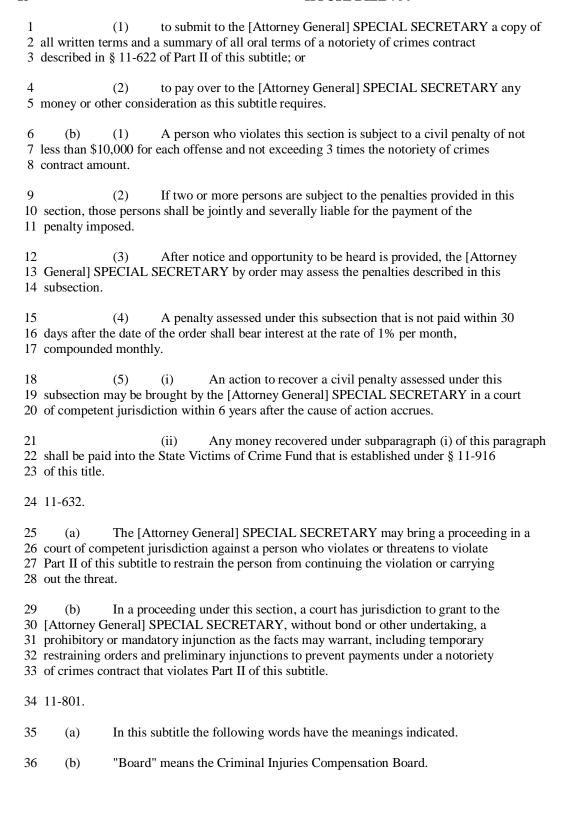


- 1 11-623.
- 2 (a) On receipt of a submission under § 11-622 of Part II of this subtitle, the
- 3 [Attorney General] SPECIAL SECRETARY shall mail notice of the receipt to each
- 4 victim or victim's representative at the last known address of the victim or victim's
- 5 representative.
- 6 (b) The [Attorney General] SPECIAL SECRETARY shall decide whether a 7 contract is a notoriety of crimes contract:
- 8 (1) after 30 days but before 180 days following receipt of the submission 9 under § 11-622 of Part II of this subtitle; or
- 10 (2) after 180 days, for cause.
- 11 (c) (1) For a decision under this section, there is a rebuttable presumption 12 that the contract is a notoriety of crimes contract.
- 13 (2) The defendant or defendant's assignee may rebut this presumption
- 14 by establishing to the satisfaction of the [Attorney General] SPECIAL SECRETARY
- 15 that the subject matter of the contract only tangentially or incidentally relates to the
- 16 crime.
- 17 (d) The [Attorney General] SPECIAL SECRETARY:
- 18 (1) shall notify the defendant or defendant's assignee and the victim or
- 19 victim's representative of the decision under this section; and
- 20 (2) may not disburse money collected under § 11-622 of Part II of this
- 21 subtitle until 60 days after the defendant or defendant's assignee and the victim or
- 22 victim's representative have been notified of the decision.
- 23 (e) (1) The decision of the [Attorney General] SPECIAL SECRETARY under
- 24 this section is a final decision and may be appealed by a defendant or defendant's
- 25 assignee or a victim or victim's representative only in accordance with § 11-630 of
- 26 Part II of this subtitle and within 60 days after receiving notice of the decision.
- 27 (2) If the decision is appealed, the [Attorney General] SPECIAL
- 28 SECRETARY shall keep any money collected in escrow until the [Attorney General]
- 29 SPECIAL SECRETARY receives a final order of the court.
- 30 11-624.
- 31 (a) The [Attorney General] SPECIAL SECRETARY shall deposit money
- 32 received under this subtitle in an interest bearing escrow account.
- 33 (b) Except as provided in § 11-625 of Part II of this subtitle and subsection (e)
- 34 of this section, the [Attorney General] SPECIAL SECRETARY shall hold money for the
- 35 benefit of and payable to the victim or victim's representative, as provided in
- 36 subsection (c) of this section.

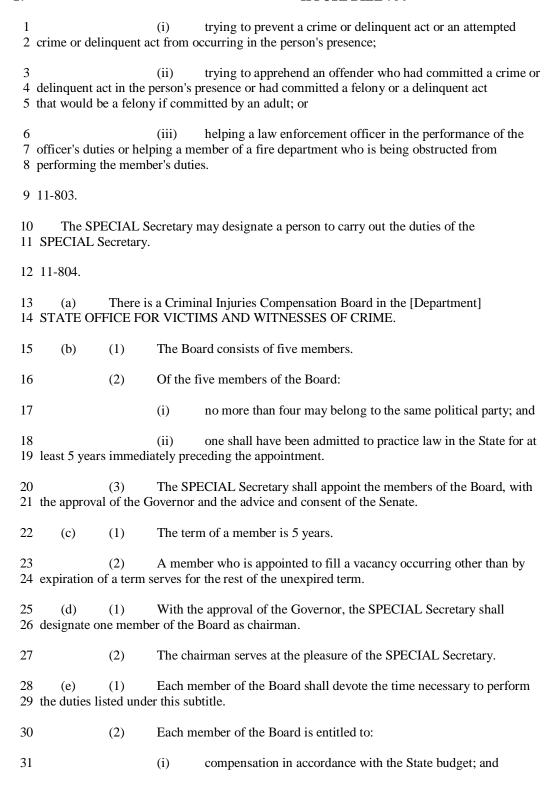
3 4	victim's representative	General money: nt of rest	to the priority of claims stated in § 11-628 of Part II of this ] SPECIAL SECRETARY shall pay to the victim or from the escrow account to the extent of the money citution if, within 5 years after the escrow account is m's representative:
6 7	court of competent jur	(i) risdiction	brings or has pending a civil action against the defendant in a
8 9	defendant; or	(ii)	has recovered a money judgment for damages against the
10		(iii)	has been awarded restitution.
11 12	(2) this section provides.		ney that then remains in the escrow account shall be paid as
13	(3)	Money	may not be paid under this subsection until the defendant:
14		(i)	has been found guilty;
15		(ii)	has pleaded nolo contendere;
16		(iii)	has been placed on probation before judgment; or
17 18	under § 3-109 of this	(iv) article.	has been found not criminally responsible for criminal conduct
21 22	General] SPECIAL S subtitle, the [Attorney	SECRETA y General al circula	once every 6 months for 5 years after the date the [Attorney ARY receives money or other consideration under this l] SPECIAL SECRETARY shall publish a legal notice in ation in the county where the crime was committed and county.
24 25	(2) escrow money is avai		ice shall advise the victim or victim's representative that satisfy money judgments under this subtitle.
26 27	(3) further notice that the		torney General] SPECIAL SECRETARY may provide for any ey General] SPECIAL SECRETARY considers necessary.
			ed in subsection (f) of this section, the [Attorney General] l pay over to the defendant all of the money from the escrow
31	(1)	the char	ges against the defendant are dismissed;
32	(2)	a nolle p	prosequi is entered;
33	(3)	the defe	ndant is acquitted;

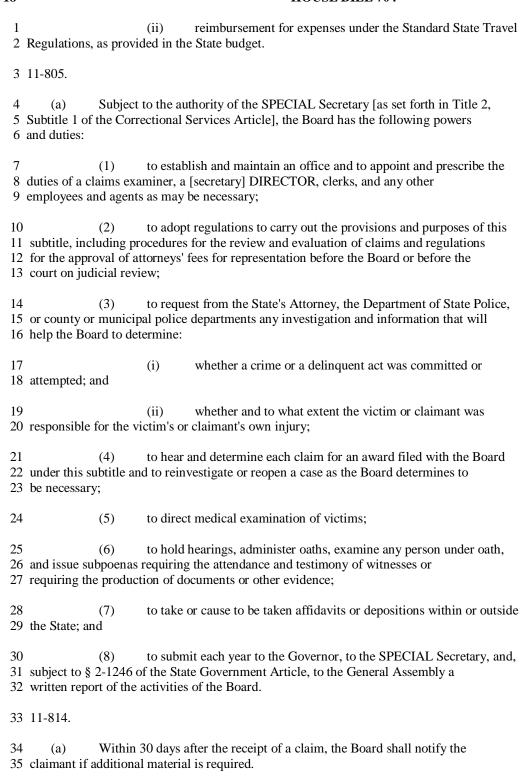
	(4) the defendant is found to be incompetent to stand trial under § 3-106 of this article and at least 5 years have passed since that finding without a further disposition of the charge; or
4 5	(5) the charges against the defendant are placed on the stet docket, and at least 3 years have passed.
	(f) Notwithstanding § 11-628 of Part II of this subtitle, if a defendant was convicted before July 1, 1987, the [Attorney General] SPECIAL SECRETARY shall pay over to the defendant:
9	(1) all money in the escrow account if:
10 11	(i) at least 5 years have passed since the escrow account was established; and
12 13	(ii) no action by the victim or victim's representative is pending against the defendant; or
14 15	(2) all money remaining in the escrow account after payment of the claims described in $\S$ 11-628 of Part II of this subtitle.
16	11-625.
19	(a) The [Attorney General] SPECIAL SECRETARY shall pay the defendant from the escrow account the money that a court of competent jurisdiction in an order finds will be used to hire legal counsel at any stage of the criminal case, including an appeal.
23 24	(b) After notice to each victim or victim's representative, the [Attorney General] SPECIAL SECRETARY shall pay money from the escrow account to a representative of a defendant for the necessary expenses of production of the money paid into the escrow account if the [Attorney General] SPECIAL SECRETARY finds that the payments are necessary and are not contrary to public policy.
26 27	(c) The [Attorney General] SPECIAL SECRETARY may pay from the escrow account the costs of legal notices required under § 11-624 of Part II of this subtitle.
28 29	(d) The total of all payments made from the escrow account under this section may not exceed 25% of the total payments that are:
30	(1) made into the escrow account; and
31 32	(2) available to satisfy judgments obtained by the victim or victim's representative.
33	11-626.
	Notwithstanding any other law, including the statute of limitations for a wrongful death action, a victim or victim's representative who seeks to bring a civil action under Part II of this subtitle shall bring the action against a defendant within

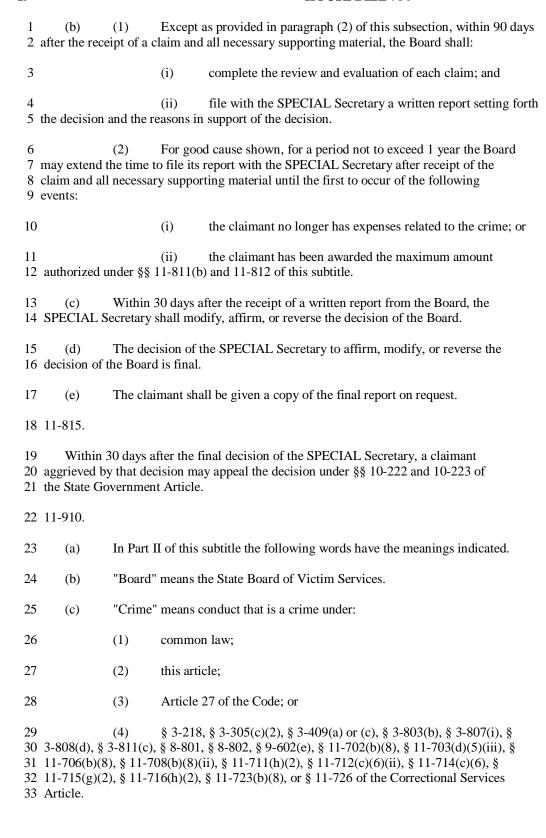
- 1 5 years after the [Attorney General] SPECIAL SECRETARY establishes an escrow 2 account.
- 3 11-628.
- 4 (a) Notwithstanding any other law, a claim on money in the escrow account 5 has the following priorities in this order:
- 6 (1) payments ordered by the [Attorney General] SPECIAL SECRETARY or 7 a court under § 11-625 of Part II of this subtitle:
- 8 (2) subrogation claims of the State under § 11-817 of this title;
- 9 a court order of restitution under § 11-603 of this subtitle;
- 10 (4) a civil judgment of a victim or victim's representative; and
- 11 (5) a civil judgment of a person, other than a victim or victim's 12 representative, arising out of the crime.
- 13 (b) The [Attorney General] SPECIAL SECRETARY may bring an action of
- 14 interpleader or an action for declaratory judgment when the [Attorney General]
- 15 SPECIAL SECRETARY is unable to determine the priority of claims and the proper
- 16 disposition of the escrow account.
- 17 (c) After payment of the claims described in subsection (a) of this section, the
- 18 [Attorney General] SPECIAL SECRETARY shall deposit the money remaining in the
- 19 escrow account in the State Victims of Crime Fund that is established under § 11-916
- 20 of this title.
- 21 11-629.
- 22 (a) Notwithstanding any other law, the [Attorney General] SPECIAL
- 23 SECRETARY has exclusive jurisdiction and control as escrow agent over money or
- 24 other consideration subject to Part II of this subtitle.
- 25 (b) Money in an escrow account may be distributed only by a determination
- 26 and order of the [Attorney General] SPECIAL SECRETARY under Part II of this
- 27 subtitle.
- 28 (c) The [Attorney General] SPECIAL SECRETARY may adopt regulations to
- 29 carry out Part II of this subtitle.
- 30 11-630.
- 31 A person aggrieved by a final determination and order of the [Attorney
- 32 General] SPECIAL SECRETARY under Part II of this subtitle may seek judicial review.
- 33 11-631.
- 34 (a) A person may not willfully fail:

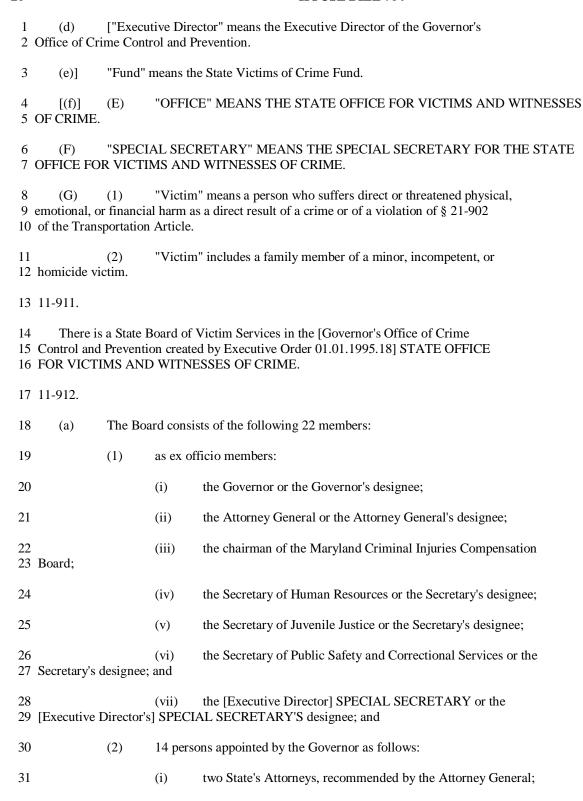


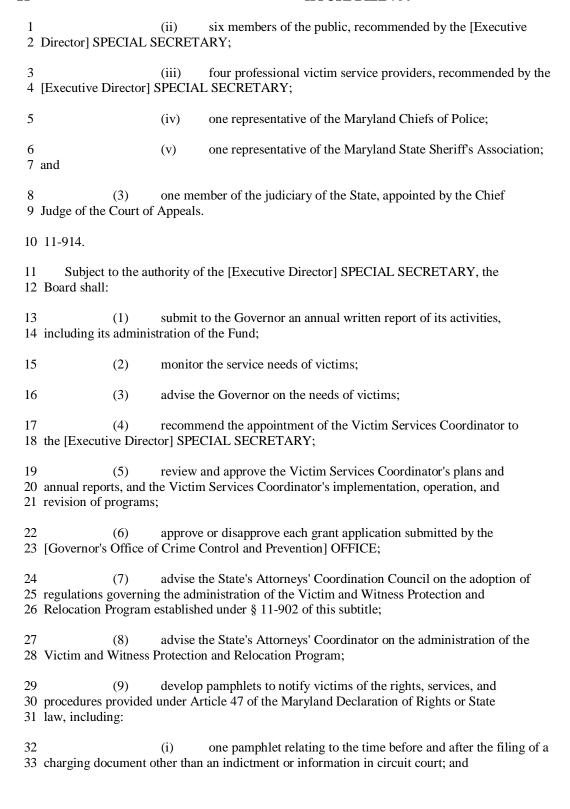
1	(c)	"Claima	nt" mean	s the per	son filing a claim under this subtitle.
2	(d)	(1)	"Crime"	means:	
3	criminal offe	nse unde	(i) r state, fe		as provided in paragraph (2) of this subsection, a common law that is committed in:
5				1.	this State; or
6				2.	another state against a resident of this State; or
	the United S resident of th		(ii) e that is o		f international terrorism as defined in Title 18, § 2331 of ed outside of the United States against a
10 11	motor vehic	(2) le unless			t include an act involving the operation of a vessel or
12 13	Transportati	on Articl	(i) e; or	a violati	on of § 20-102, § 20-104, § 21-902, or § 21-904 of the
14 15	injury.		(ii)	operatin	g a motor vehicle or vessel that results in an intentional
16	(e)	"Depend	dent" mea	ans:	
17		(1)	a surviv	ing spou	se or child of a person; or
18		(2)	a person	who is o	dependent on another person for principal support.
19 20	(f) OFFICE FC				" MEANS THE SPECIAL SECRETARY OF THE STATE ESSES OF CRIME.
21	(G)	"Victim	" means a	a person:	
22 23	delinquent a	(1) ct;	who suf	fers phys	ical injury or death as a result of a crime or
24		(2)	who suf	fers psyc	hological injury as a direct result of:
25 26	a fourth deg	ree sexua	(i) al offense		degree sexual offense or a delinquent act that would be itted by an adult;
27 28	by an adult;	or	(ii)	a felony	or a delinquent act that would be a felony if committed
29 30	delinquent a	ct; or	(iii)	physical	l injury or death directly resulting from a crime or
31		(3)	who suf	fers phys	ical injury or death as a direct result of:

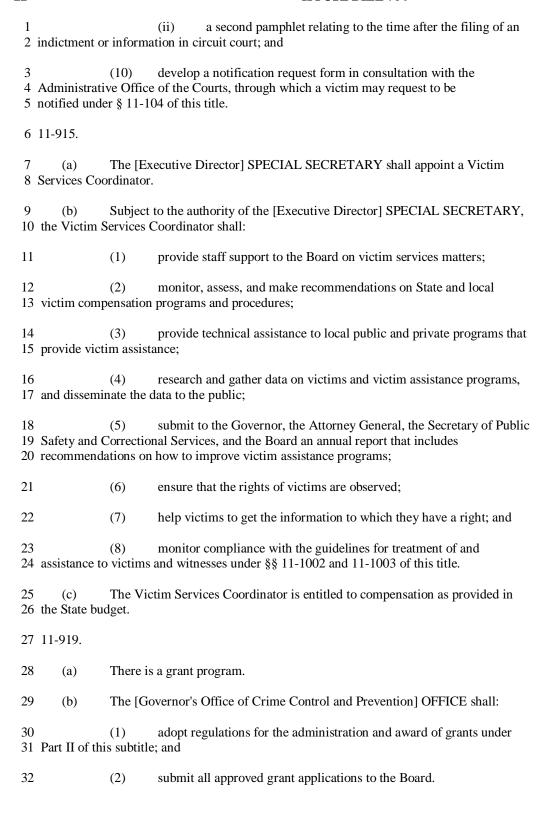












	(c) The Board shall approve each grant application received by the [Governor's Office of Crime Control and Prevention] OFFICE before any money is released from the Fund.				
4				Article - Public Safety	
5	2-702.				
6	(a) (1)	There is	a Vehicl	e Theft Prevention Council in the Department.	
	(2) private passenger and vandalism and theft o	commer	cial moto	ne Council is to help prevent and deter theft of r vehicles and related crime, including hicles, in the State.	
10 11	(b) (1) the Governor:	The Co	ıncil cons	sists of the following [13] 14 members appointed by	
12		(i)	as ex off	ficio members of the Council:	
13			1.	the Secretary or a designee;	
14			2.	the Secretary of Juvenile Justice or a designee;	
15 16	a designee; [and]		3.	the Secretary of Public Safety and Correctional Services or	
17 18	Administration; and		4.	the Motor Vehicle Administrator of the Motor Vehicle	
19 20	VICTIMS AND WIT	TNESSES	5. S OF CRI	THE SPECIAL SECRETARY OF THE STATE OFFICE FOR ME OR THE SPECIAL SECRETARY'S DESIGNEE; AND	
21		(ii)	nine reg	ular members.	
22	(2)	Of the n	ine regul	ar members:	
23		(i)	one mer	nber shall represent a local law enforcement agency;	
24 25	State;	(ii)	one mer	nber shall represent a State's Attorney's office in the	
	private passenger aut State;	(iii) comobile		nber shall represent a domestic insurer that issues ercial motor vehicle liability insurance in the	
	private passenger aut State;	(iv) comobile		nber shall represent a foreign insurer that issues ercial motor vehicle liability insurance in the	
32		(v)	one men	nber shall represent the Governor's Office;	

1 2 Bureau or a similar	(vi) organizati	one member shall represent the National Insurance Crime on; and					
3 4 member who repres	(vii) ents a nei	(vii) three members shall represent the public, including one ats a neighborhood or community association.					
5 3-203.							
6 (a) (1)	The Commission consists of [15] 16 members.						
7 (2)	Of the	[15]16 members of the Commission:					
8 9 Association;	(i)	one shall be the President of the Maryland Chiefs of Police					
10	(ii)	one shall be the President of the Maryland Sheriffs Association;					
11 12 Officers, Inc.;	(iii)	one shall be the President of the Maryland Law Enforcement					
13	(iv)	one shall be the Attorney General of the State;					
14	(v)	one shall be the Secretary of State Police;					
15	(vi)	one shall be the Police Commissioner of Baltimore City;					
16 17 Maryland;	(vii)	one shall be the Chancellor of the University System of					
18 19 F.B.I.;	(viii)	one shall be the agent in charge of the Baltimore office of the					
20 21 Association;	(ix)	one shall be the President of the Eastern Shore Police					
22 23 Order of Police;	(x)	one shall represent the Maryland State Lodge of Fraternal					
<ul><li>24</li><li>25 Correctional Service</li></ul>	(xi)	one shall be the Deputy Secretary of Public Safety and					
26 27 Police Executive A	(xii) ssociation	one shall be the Chairman of the Maryland Municipal League i; [and]					
28 29 subsection (b) of th	(xiii) is section	three shall be police officials of the State appointed under ; AND					
30 31 VICTIMS AND W	(XIV) ITNESSE	ONE SHALL BE A REPRESENTATIVE OF THE STATE OFFICE FOR ES OF CRIME.					

- 1 SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act affects
- 2 the term of office of an appointed or elected member of any department, board,
- 3 commission, committee, agency, or other unit. An individual who is a member of a
- 4 unit on the effective date of this Act shall remain a member for the balance of the
- 5 term to which appointed or elected unless the member sooner dies, resigns, or is
- 6 removed under provisions of law.
- 7 SECTION 3. AND BE IT FURTHER ENACTED, That any employee who is
- 8 transferred under this Act to the State Office for Victims and Witnesses of Crime
- 9 without any further examination, qualification, or probationary period shall retain
- 10 merit system or retirement status and shall not suffer any diminution of salary,
- 11 wages, accrued leave, or seniority rights and status as a result of such transfer.
- 12 SECTION 4. AND BE IT FURTHER ENACTED, That any transaction affected
- 13 by or flowing from any statute here amended, repealed, or transferred, and validly
- 14 entered into before the effective date of this Act and every right, duty, or interest
- 15 flowing from it remains valid after the effective date and may be terminated,
- 16 completed, consummated, or enforced pursuant to law.
- 17 SECTION 5. AND BE IT FURTHER ENACTED, That any rules and
- 18 regulations, standards, guidelines, orders and other directives, forms, plans,
- 19 memberships, funds, appropriations, contracts, properties, administrative and
- 20 judicial proceedings, rights to sue and be sued, and other duties and responsibilities
- 21 associated with those functions affected by this Act shall continue in effect until
- 22 completed, withdrawn, canceled, modified, or otherwise changed in accordance with
- 23 law.
- 24 SECTION 6. AND BE IT FURTHER ENACTED, That the personnel, records,
- 25 files, furniture, fixtures, and other properties and all appropriations, credits, assets,
- 26 liabilities, and obligations of the State Board of Victim Services and the Criminal
- 27 Injuries Compensation Board are continued as the personnel, records, files, furniture,
- 28 fixtures, properties, appropriations, credits, assets, liabilities, and obligations of the
- 29 State Office for Victims and Witnesses of Crime.
- 30 SECTION 7. AND BE IT FURTHER ENACTED, That the Governor shall
- 31 appropriate general, special, and federal funds that were previously budgeted to the
- 32 State Board of Victim Services and the Criminal Injuries Compensation Fund to the
- 33 State Office for Victims and Witnesses of Crime.
- 34 SECTION 8. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 35 January 1, 2004.