

HOUSE BILL 705

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E2

2003 Regular Session
(3r1278)

ENROLLED BILL
-- Judiciary/Judicial Proceedings --

Introduced by **Delegates Vallario, Amedori, Barkley, Boschert, Boutin, Bronrott, Cadden, Conway, Donoghue, Dumais, Fulton, Hammen, Healey, Heller, Hixson, Howard, Hubbard, Kach, Love, McDonough, Minnick, Morhaim, O'Donnell, Owings, Rudolph, Sophocleus, and Stocksdale**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Victims' Rights - Crime - Definition**

3 FOR the purpose of altering the definition of crime in provisions relating to ~~certain~~
4 ~~costs required to be paid by defendants~~, the authority of a court to enter a
5 judgment of restitution, and the State Board of Victim Services; and generally
6 relating to the definition of crime.

7 ~~BY repealing and reenacting, with amendments,~~
8 ~~Article Courts and Judicial Proceedings~~
9 ~~Section 7-409~~
10 ~~Annotated Code of Maryland~~
11 ~~(2002 Replacement Volume)~~

1 BY repealing and reenacting, without amendments,
 2 Article - Criminal Procedure
 3 Section 11-601(a), 11-603(a), 11-910(a), and 11-911
 4 Annotated Code of Maryland
 5 (2001 Volume and 2002 Supplement)

6 BY repealing and reenacting, with amendments,
 7 Article - Criminal Procedure
 8 Section 11-601(d) and 11-910(c)
 9 Annotated Code of Maryland
 10 (2001 Volume and 2002 Supplement)

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

13 ~~Article - Courts and Judicial Proceedings~~

14 ~~7-409.~~

15 (a) (1) ~~In this section the following words have the meanings indicated.~~

16 (2) (f) ~~"Crime" means an act committed by a person in the State that is~~
 17 ~~A CRIME UNDER:~~

18 (i) ~~A crime under Title 1, Subtitle 3, Title 3, Subtitle 7, or § 4-123.1~~
 19 ~~of the Agriculture Article;~~

20 (ii) ~~A crime under Title 19, Subtitle 2 or Subtitle 3 of the Business~~
 21 ~~Regulation Article;~~

22 (iii) ~~A crime under Title 14, Subtitle 29, § 11-810, § 14-1316, or §~~
 23 ~~14-1317 of the Commercial Law Article;~~

24 (iv) ~~A crime under § 3-218, § 3-305(e)(2), § 3-409(a) or (c), §~~
 25 ~~3-803(b), § 3-807(i), § 3-808(d), § 3-811(e), § 8-801, § 8-802, § 9-602(e), §~~
 26 ~~11-702(d)(8), § 11-703(e)(5)(iii), § 11-708(b)(8)(ii), § 11-711(h)(2), § 11-712(e)(6)(ii), §~~
 27 ~~11-715(e)(2), § 11-716(h)(2), § 11-723(b)(8), or § 11-726 of the Correctional Services~~
 28 ~~Article;~~

29 (v) ~~A crime under the Criminal Law Article other than Title 8,~~
 30 ~~Subtitle 2, Part II or § 10-614;~~

31 (vi) ~~A crime under the Criminal Procedure Article;~~

32 (vii) ~~A crime under Title 5, Subtitle 10A of the Environment Article;~~

33 (viii) ~~A crime under § 5-503 of the Family Law Article;~~

- 1 (ix) A crime under Title 20, Subtitle 7 or § 21-259.1 of the Health-
 2 General Article;
- 3 (x) A crime under § 8-713.1, § 8-724.1, § 8-725.5, § 8-725.6, §
 4 8-726.1, § 8-738.1, or § 8-740.1 of the Natural Resources Article;
- 5 (xi) A crime under Article 27 of the Code;
- 6 (xii) A crime under § 14-127 of the Real Property Article;
- 7 (xiii) A violation of the Transportation Article that is punishable by
 8 imprisonment;
- 9 (xiv) A crime under Article 2B, Title 22 or § 18-104 of the Code;
- 10 (xv) A crime under Article 24, § 11-512, § 11-513, or § 11-514 of the
 11 Code;
- 12 (xvi)} 1. [A crime under] § 109 of the Code of Public Local Laws
 13 of Caroline County;
- 14 {(xvii)} 2. [A crime under] § 4-103 of the Code of Public Local
 15 Laws of Carroll County;
- 16 {(xviii)} 3. [A crime under] § 8A-1 of the Code of Public Local
 17 Laws of Talbot County; [or
- 18 (xix)} 4. [A crime at] common law; OR
- 19 5. EXCEPT AS PROVIDED IN ITEM (II) OF THIS PARAGRAPH,
 20 THE ANNOTATED CODE.
- 21 (II) "CRIME" DOES NOT INCLUDE A VIOLATION OF THE
 22 TRANSPORTATION ARTICLE THAT IS NOT PUNISHABLE BY A TERM OF
 23 IMPRISONMENT.
- 24 (3) "Offense" means a violation of the Transportation Article that is not
 25 punishable by imprisonment.
- 26 (b) In addition to any other costs required by law, a circuit court shall impose
 27 on a defendant convicted of a crime an additional cost of \$45 in the case.
- 28 (c) In addition to any other costs required by law, the District Court shall
 29 impose on a defendant convicted of a crime an additional cost of \$35 in the case.
- 30 (d) In addition to any other costs required by law, a court shall impose on a
 31 defendant convicted of an offense an additional cost of \$3 in the case, including cases
 32 in which the defendant elects to waive the right to trial and pay the fine or penalty
 33 deposit established by the Chief Judge of the District Court by administrative
 34 regulation.

1 (e) (1) All money collected under this section shall be paid to the
2 Comptroller of the State.

3 (2) The Comptroller shall deposit \$22.50 from each fee collected under
4 subsection (b) of this section from a circuit court and \$12.50 from each fee collected
5 under subsection (c) of this section from the District Court into the State Victims of
6 Crime Fund established under § 11-916 of the Criminal Procedure Article.

7 (3) The Comptroller shall deposit \$2.50 from each fee collected under
8 subsections (b) and (c) of this section into the Victim and Witness Protection and
9 Relocation Fund established under § 11-905 of the Criminal Procedure Article.

10 (4) The Comptroller shall deposit all other moneys collected under
11 subsections (b) and (c) of this section into the Criminal Injuries Compensation Fund
12 established under § 11-819 of the Criminal Procedure Article.

13 (f) (1) From the first \$500,000 in fees collected under subsection (d) of this
14 section in each fiscal year, the Comptroller shall deposit one half of each fee into the
15 State Victims of Crime Fund and one half of each fee into the Criminal Injuries
16 Compensation Fund.

17 (2) For fees collected under subsection (d) of this section in excess of
18 \$500,000 in each fiscal year, the Comptroller shall deposit the entire fee into the
19 Criminal Injuries Compensation Fund.

20 (g) A political subdivision may not be held liable under any condition for the
21 payment of sums under this section.

22 Article - Criminal Procedure

23 11-601.

24 (a) In Part I of this subtitle the following words have the meanings indicated.

25 (d) (1) "Crime" means an act committed by a person in the State that is a
26 crime under:

27 (i) common law;

28 (ii) [this article;

29 (iii) Title 1, Subtitle 3, Title 3, Subtitle 7, or § 4-123.1 of the
30 Agriculture Article;

31 (iv) Title 19, Subtitle 2 or Subtitle 3 of the Business Regulation
32 Article;

33 (v) Title 14, Subtitle 29, § 11-810, § 14-1316, or § 14-1317 of the
34 Commercial Law Article;

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

6 (vii) the Criminal Law Article other than Title 8, Subtitle 2, Part II
 7 or § 10-614;

8 (viii) Title 5, Subtitle 10A of the Environment Article;

9 (ix) § 5-503 of the Family Law Article;

10 (x) Title 20, Subtitle 7 or § 21-259.1 of the Health - General
 11 Article;

12 (xi) § 8-713.1, § 8-724.1, § 8-725.5, § 8-725.6, § 8-726.1, § 8-738.1,
 13 or § 8-740.1 of the Natural Resources Article;

14 (xii) § 14-127 of the Real Property Article;

15 (xiii) Article 2B, Title 22 or § 18-104 of the Code;

16 (xiv) Article 24, § 11-512, § 11-513, or § 11-514 of the Code;

17 (xv) § 109 of the Code of Public Local Laws of Caroline County;

18 [(xvi)] (III) § 4-103 of the Code of Public Local Laws of Carroll
 19 County; [or

20 (xvii) (IV) § 8A-1 of the Code of Public Local Laws of Talbot
 21 County; OR

22 (V) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
 23 THE ANNOTATED CODE.

24 (2) "Crime" [includes] DOES NOT INCLUDE a violation of the
 25 Transportation Article that is NOT punishable by a term of confinement.

26 11-603.

27 (a) A court may enter a judgment of restitution that orders a defendant or
 28 child respondent to make restitution in addition to any other penalty for the
 29 commission of a crime or delinquent act, if:

30 (1) as a direct result of the crime or delinquent act, property of the victim
 31 was stolen, damaged, destroyed, converted, or unlawfully obtained, or its value
 32 substantially decreased;

33 (2) as a direct result of the crime or delinquent act, the victim suffered:

- 1 (i) actual medical, dental, hospital, counseling, funeral, or burial
2 expenses;
- 3 (ii) any other direct out-of-pocket loss; or
- 4 (iii) loss of earnings;
- 5 (3) the victim incurred medical expenses that were paid by the
6 Department of Health and Mental Hygiene or any other governmental unit;
- 7 (4) a governmental unit incurred expenses in removing, towing,
8 transporting, preserving, storing, selling, or destroying an abandoned vehicle as
9 defined in § 25-201 of the Transportation Article;
- 10 (5) the Criminal Injuries Compensation Board paid benefits to a victim;
11 or
- 12 (6) the Department of Health and Mental Hygiene or other
13 governmental unit paid expenses incurred under Subtitle 2, Part II of this title.
- 14 11-910.
- 15 (a) In Part II of this subtitle the following words have the meanings indicated.
- 16 (c) (1) "Crime" means conduct that is a crime under:
- 17 [(1)] (I) common law;
- 18 [(2)] this article;
- 19 (3) Title 1, Subtitle 3, Title 3, Subtitle 7, or § 4-123.1 of the Agriculture
20 Article;
- 21 (4) Title 19, Subtitle 2 or Subtitle 3 of the Business Regulation Article;
- 22 (5) Title 14, Subtitle 29, § 11-810, § 14-1316, or § 14-1317 of the
23 Commercial Law Article;
- 24 (6) § 3-218, § 3-305(c)(2), § 3-409(a) or (c), § 3-803(b), § 3-807(i), §
25 3-808(d), § 3-811(c), § 8-801, § 8-802, § 9-602(e), § 11-702(d)(8), § 11-703(d)(5)(iii), §
26 11-706(b)(8), § 11-708(b)(8)(ii), § 11-711(h)(2), § 11-712(c)(6)(ii), § 11-714(c)(6), §
27 11-715(g)(2), § 11-716(h)(2), § 11-723(b)(8), or § 11-726 of the Correctional Services
28 Article;
- 29 (7) the Criminal Law Article other than Title 8, Subtitle 2, Part II or §
30 10-614;
- 31 (8) Title 5, Subtitle 10A of the Environment Article;
- 32 (9) § 5-503 of the Family Law Article;

1 (10) Title 20, Subtitle 7 or § 21-259.1 of the Health - General Article;

2 (11) § 8-713.1, § 8-724.1, § 8-725.5, § 8-725.6, § 8-726.1, § 8-738.1, or §
3 8-740.1 of the Natural Resources Article;

4 (12) § 14-127 of the Real Property Article;

5 (13) Article 2B, Title 22 or § 18-104 of the Code;

6 (14) Article 24, § 11-512, § 11-513, or § 11-514 of the Code;

7 (15)] (II) § 109 of the Code of Public Local Laws of Caroline County;

8 [(16)] (III) § 4-103 of the Code of Public Local Laws of Carroll County;
9 [or

10 (17)] (IV) § 8A-1 of the Code of Public Local Laws of Talbot County;
11 OR

12 (V) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
13 THE ANNOTATED CODE.

14 (2) "CRIME" DOES NOT INCLUDE A VIOLATION OF THE TRANSPORTATION
15 ARTICLE THAT IS NOT PUNISHABLE BY A TERM OF CONFINEMENT.

16 11-911.

17 There is a State Board of Victim Services in the Governor's Office of Crime
18 Control and Prevention created by Executive Order 01.01.1995.18.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2003.