

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 871
Judiciary

(Delegate Trueschler, *et al.*)

**Prohibited Monetary Recovery - Controlled Dangerous Substances, Burglary,
and Crimes of Violence**

This bill bars an individual, or the individual's beneficiary, from recovering monetary damages against a person, if the cause of the damages occurred during the individual's actual or attempted: (1) manufacture, distribution, possession with intent to distribute, or dispensing a controlled dangerous substance; (2) burglary; or (3) a crime of violence. The facts necessary to bar recovery must be proven by a preponderance of the evidence.

The term "person" does not include a governmental entity.

The bill applies only prospectively, to actions that arise on or after the bill's October 1, 2003 effective date.

Fiscal Summary

State Effect: The bill could reduce lawsuits filed in the District Court, but is not expected to have a significant effect on government operations or finances.

Local Effect: The bill could reduce lawsuits filed in circuit court, but is not expected to have a significant effect on government operations or finances.

Small Business Effect: None.

Analysis

Current Law: A "crime of violence" includes:

- abduction;
- first degree arson;
- kidnapping;
- manslaughter (except involuntary manslaughter);
- mayhem;
- maiming;
- murder;
- rape;
- robbery;
- carjacking;
- a sexual offense in the first or second degree;
- use of a handgun in a felony or other crime of violence;
- an attempt to commit any of the preceding crimes;
- first degree assault; and
- assault with intent to murder, rape, rob, or to commit a first or second degree sexual offense.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - February 24, 2003
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