

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE
Revised

House Bill 705

(Delegate Vallario, *et al.*)

Judiciary

Judicial Proceedings

Victims' Rights - Crime – Definition

This bill expands the definition of “crime” to apply to any crime contained in the Annotated Code (beyond specifically enumerated crimes), except for nonjailable motor vehicle offenses. In doing so, the bill expands the number and types of crimes subject to restitution and victims’ services and treatment requirements under the State Board of Victim Services.

Fiscal Summary

State Effect: None. The bill’s requirements could be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: In the statute relating to additional costs in criminal cases, “crime” is defined as an act committed by a person in the State that is a crime or violation under specified parts of the Maryland Annotated Code or the Codes of Public Local Laws of specified counties, or a crime at common law. The definitions of “crime” for purposes of provisions relating to restitution and the State Board of Victim Services are similar.

It is a misdemeanor for any person to violate any of the provisions of the Maryland Vehicle Law unless the violation: (1) is declared to be a felony; or (2) is punishable by a

civil penalty under the applicable provision of the Maryland Vehicle Law. Generally, any person convicted of a motor vehicle misdemeanor is subject to a fine of not more than \$500.

In addition to any other costs required by law, a circuit court must impose on a defendant convicted of a crime an additional cost of \$45 in the case, and the District Court must impose on a defendant convicted of a crime an additional cost of \$35 in the case.

An “offense” means a violation of the Transportation Article that is not punishable by imprisonment. In addition to any other costs required by law, a court must impose on a defendant convicted of an offense an additional cost of \$3 in the case, including cases in which the defendant elects to waive the right to trial and pay the fine or penalty deposit established by the Chief Judge of the District Court by administrative regulation.

All money collected under these provisions must be paid to the Comptroller. The Comptroller must deposit \$22.50 from each fee collected from criminal convictions in a circuit court and \$12.50 from each similar fee collected in the District Court into the State Victims of Crime Fund. The Comptroller must deposit \$2.50 from each criminal conviction fee into the Victim and Witness Protection and Relocation Fund. The Comptroller must deposit all other criminal conviction monies collected under these provisions into the Criminal Injuries Compensation Fund.

From the first \$500,000 in “offense” conviction fees collected under these provisions in each fiscal year, the Comptroller must deposit one-half of each fee into the State Victims of Crime Fund and one-half of each fee into the Criminal Injuries Compensation Fund. For fee amounts in excess of \$500,000 in each fiscal year, the Comptroller must deposit the entire fee into the Criminal Injuries Compensation Fund.

A court may enter a judgment of restitution that orders a defendant to make restitution in addition to any other penalty for the commission of a crime, if specified conditions are met.

The State Victims of Crime Fund is used to pay for carrying out:

- Article 47 of the Maryland Declaration of Rights;
- guidelines for the treatment and assistance for victims and witnesses of crimes and delinquent acts; and
- any laws enacted to benefit victims and witnesses of crimes and delinquent acts.

Additional Information

Prior Introductions: None.

Cross File: SB 366 (Senator Miller) – Judicial Proceedings.

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

Fiscal Note History: First Reader - February 19, 2003
mld/cer Revised - Enrolled Bill - April 21, 2003

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