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(PRE-FILED)

By: Chairman, Judicial Proceedings Committee (By Request Departmental - Public Safety and Correctional Services)

Requested: November 3, 2003

Introduced and read first time: January 14, 2004

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concern	ing	
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2 Criminal Injuries Compensation Board - Life Insurance Benefits

- 3 FOR the purpose of exempting certain life insurance benefits from required
- 4 reductions in awards for criminal injuries compensation; and generally relating
- 5 to criminal injuries compensation.
- 6 BY repealing and reenacting, with amendments,
- 7 Article Criminal Procedure
- 8 Section 11-811
- 9 Annotated Code of Maryland
- 10 (2001 Volume and 2003 Supplement)

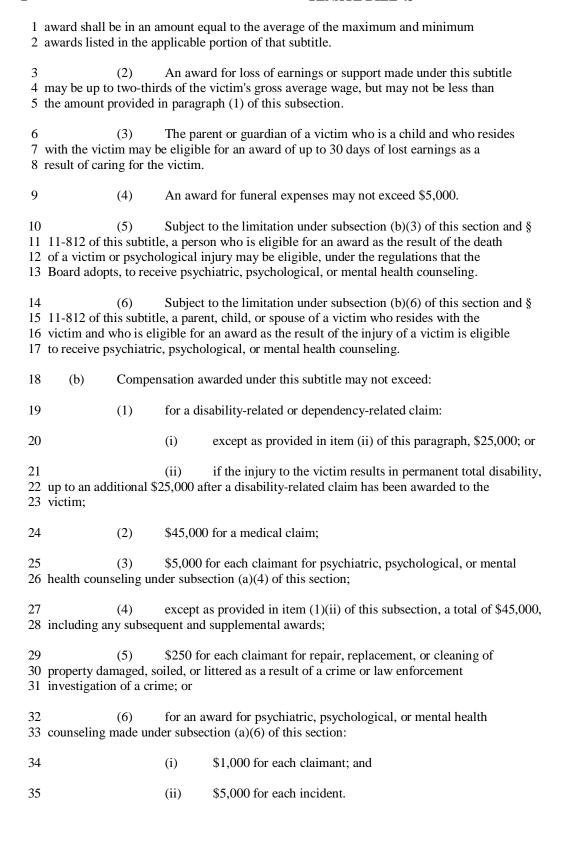
11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

12 MARYLAND, That the Laws of Maryland read as follows:

13 Article - Criminal Procedure

14 11-811.

- 15 (a) (1) (i) Except as otherwise provided in this subsection, an award
- 16 under this subtitle shall be made in accordance with the schedule of benefits, as it
- 17 existed on January 1, 2001, and degree of disability as specified in Title 9, Subtitle 6
- 18 of the Labor and Employment Article and any other applicable provisions of the Labor
- 19 and Employment Article, except for Title 9, Subtitle 8 of the Labor and Employment
- 20 Article.
- 21 (ii) For determining the amount of an award under this subtitle,
- 22 the term "average weekly wages" does not include tips, gratuities, and wages that are
- 23 undeclared on the claimant's State or federal income tax returns for the applicable
- 24 years.
- 25 (iii) If a claimant does not have "average weekly wages" to qualify
- 26 under the formula in Title 9, Subtitle 6 of the Labor and Employment Article, the



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- 1 (c) An award made under this subtitle shall be reduced by the amount of any 2 payments received or to be received as a result of the injury:
- 3 (1) from or on behalf of the offender;
- 4 (2) from any other public or private source, including an award of the
- 5 State Workers' Compensation Commission under the Maryland Workers'
- 6 Compensation Act OR ANY PROCEEDS OF LIFE INSURANCE IN EXCESS OF \$25,000; or
- 7 (3) as an emergency award under § 11-813 of this subtitle.
- 8 (d) If there are two or more persons entitled to an award as a result of the
- 9 death of a victim, the award shall be apportioned among the claimants.
- 10 (e) The Board may negotiate a settlement with a health care provider for the 11 medical and medically related expenses.
- 12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
- 13 effect October 1, 2004.