

SENATE BILL 800

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2004 Regular Session
4lr2648
CF 4lr2647

By: **Senators Ruben and Forehand**

Introduced and read first time: February 16, 2004

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Injuries Compensation Fund - Claims after Discovery of Body**

3 FOR the purpose of authorizing a claimant for an award from the Criminal Injuries
4 Compensation Fund in a murder case to file a claim up to 5 years after the
5 discovery of the body of the victim; providing for the application of this Act; and
6 generally relating to claims to the Criminal Injuries Compensation Fund.

7 BY repealing and reenacting, without amendments,
8 Article - Criminal Procedure
9 Section 11-801(a), (c), and (f) and 11-808(a) and (c)
10 Annotated Code of Maryland
11 (2001 Volume and 2003 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article - Criminal Procedure
14 Section 11-809(a)
15 Annotated Code of Maryland
16 (2001 Volume and 2003 Supplement)

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

19 **Article - Criminal Procedure**

20 11-801.

21 (a) In this subtitle the following words have the meanings indicated.

22 (c) "Claimant" means the person filing a claim under this subtitle.

23 (f) "Victim" means a person:

24 (1) who suffers physical injury or death as a result of a crime or
25 delinquent act;

1 2. trying to prevent a crime or delinquent act or an
2 attempted crime or delinquent act from occurring in the victim's presence or trying to
3 apprehend a person who had committed a crime or delinquent act in the victim's
4 presence or had committed a felony; or

5 3. helping a law enforcement officer perform the officer's
6 duties or helping a member of a fire department who is obstructed from performing
7 the member's duties; and

8 (iv) a parent, child, or spouse of a victim who resides with the
9 victim.

10 (2) A person who commits the crime or delinquent act that is the basis of
11 a claim, or an accomplice of the person, is not eligible to receive an award with respect
12 to the claim.

13 (c) (1) A person eligible to receive an award under subsection (a) or (b) of
14 this section may file a claim under this subtitle.

15 (2) If a person eligible to receive an award is under 18 years of age, the
16 person's parent or guardian may file a claim under this subtitle.

17 (3) If a person eligible to receive an award is mentally incompetent, the
18 person's guardian or other person authorized to administer the person's estate may
19 file the claim on the person's behalf.

20 11-809.

21 (a) (1) A claimant shall file a claim not later than:

22 (i) 180 days after the occurrence of the crime or delinquent act on
23 which the claim is based; or

24 (ii) 180 days after the death of the victim.

25 (2) For good cause, the Board may extend the time for filing up to 2 years
26 after the occurrence of the crime or delinquent act or the death of the victim.

27 (3) In a case of child abuse, a claimant may file a claim up to 2 years
28 after the claimant knew or should have known of the child abuse.

29 (4) **IN A CASE OF MURDER, A CLAIMANT MAY FILE A CLAIM UP TO 5**
30 **YEARS AFTER THE DISCOVERY OF THE BODY OF THE VICTIM.**

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
32 construed to apply retroactively and shall be applied to and interpreted to affect
33 claims made or that could have been made to the Criminal Injuries Compensation
34 Fund on or after January 1, 2000.

35 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 July 1, 2004.

