
By: **Delegates Cardin, Bartlett, Leopold, Malone, McKee, Moe, and Weir**

Introduced and read first time: January 27, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Restitution - Fire and Rescue Units**

3 FOR the purpose of authorizing a court to enter a judgment of restitution in addition
4 to criminal penalties if certain fire and rescue units incur expenses in an
5 emergency response to a motor vehicle accident; and generally relating to
6 judgments of restitution in criminal proceedings.

7 BY repealing and reenacting, with amendments,
8 Article - Criminal Procedure
9 Section 11-603
10 Annotated Code of Maryland
11 (2001 Volume and 2004 Supplement)

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

14 **Article - Criminal Procedure**

15 11-603.

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

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

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

23 (i) actual medical, dental, hospital, counseling, funeral, or burial
24 expenses;

25 (ii) any other direct out-of-pocket loss; or

26 (iii) loss of earnings;

1 (3) the victim incurred medical expenses that were paid by the
2 Department of Health and Mental Hygiene or any other governmental unit;

3 (4) a governmental unit incurred expenses in removing, towing,
4 transporting, preserving, storing, selling, or destroying an abandoned vehicle as
5 defined in § 25-201 of the Transportation Article;

6 (5) the Criminal Injuries Compensation Board paid benefits to a victim;
7 [or]

8 (6) the Department of Health and Mental Hygiene or other
9 governmental unit paid expenses incurred under Subtitle 1, Part II of this title; OR

10 (7) A VOLUNTEER OR PAID FIRE DEPARTMENT, VOLUNTEER RESCUE
11 SQUAD, OR VOLUNTEER AMBULANCE COMPANY INCURRED EXPENSES IN AN
12 EMERGENCY RESPONSE TO A MOTOR VEHICLE ACCIDENT.

13 (b) A victim is presumed to have a right to restitution under subsection (a) of
14 this section if:

15 (1) the victim or the State requests restitution; and

16 (2) the court is presented with competent evidence of any item listed in
17 subsection (a) of this section.

18 (c) (1) A judgment of restitution does not preclude the property owner or the
19 victim who suffered personal physical or mental injury, out-of-pocket loss of
20 earnings, or support from bringing a civil action to recover damages from the
21 restitution obligor.

22 (2) A civil verdict shall be reduced by the amount paid under the
23 criminal judgment of restitution.

24 (d) In making a disposition on a finding that a child at least 13 years old has
25 committed an act of graffiti under § 6-301(d) of the Criminal Law Article, the court
26 shall order the child to perform community service or pay restitution or both.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2005.