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

Introduced and read first time: January 20, 2005

Rules suspended

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 16, 2005

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure - Criminal Injuries Compensation Board - Eligibility**
3 **for Awards**

4 FOR the purpose of making a parent, spouse, and child of a person incarcerated for
5 certain abuse eligible for an award from the Criminal Injuries Compensation
6 Board under certain circumstances; and generally relating to the Criminal
7 Injuries Compensation Board and eligibility for awards.

8 BY repealing and reenacting, with amendments,
9 Article - Criminal Procedure
10 Section 11-808
11 Annotated Code of Maryland
12 (2001 Volume and 2004 Supplement)

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

15 **Article - Criminal Procedure**

16 11-808.

17 (a) (1) Except as provided in paragraph (2) of this subsection, the following
18 persons are eligible for awards in the manner provided under this subtitle:

19 (i) a victim;

1 (ii) a dependent of a victim who died as a direct result of:

2 1. a crime or delinquent act;

3 2. trying to prevent a crime or delinquent act or an
4 attempted crime or delinquent act from occurring in the victim's presence or trying to
5 apprehend a person who had committed a crime or delinquent act in the victim's
6 presence or had committed a felony or a delinquent act that would be considered a
7 felony if committed by an adult; or

8 3. helping a law enforcement officer perform the officer's
9 duties or helping a member of a fire department who is obstructed from performing
10 the member's duties;

11 (iii) any person who paid or assumed responsibility for the funeral
12 expenses of a victim who died as a direct result of:

13 1. a crime or delinquent act;

14 2. trying to prevent a crime or delinquent act or an
15 attempted crime or delinquent act from occurring in the victim's presence or trying to
16 apprehend a person who had committed a crime or delinquent act in the victim's
17 presence or had committed a felony; or

18 3. helping a law enforcement officer perform the officer's
19 duties or helping a member of a fire department who is obstructed from performing
20 the member's duties; ~~and~~

21 (iv) 1. a parent, child, or spouse of a victim who resides with the
22 victim; ~~AND OR~~

23 ~~(v)~~ 2. A PARENT, CHILD, OR SPOUSE OF AN INDIVIDUAL WHO IS
24 INCARCERATED FOR ABUSE AS DEFINED IN § 4-501 OF THE FAMILY LAW ARTICLE
25 AND WHO, ~~IMMEDIATELY~~ PRIOR TO INCARCERATION:

26 ~~1.~~ A. RESIDED WITH THE PARENT, CHILD, OR SPOUSE;
27 AND

28 ~~2.~~ B. PROVIDED FINANCIAL SUPPORT TO THE PARENT,
29 CHILD, OR SPOUSE.

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

33 (b) A resident of the State is eligible for an award under this subtitle if the
34 resident becomes a victim in another state other than this State that:

35 (1) does not operate a criminal injuries compensation program;

1 (2) operates a criminal injuries compensation program for which the
2 victim is ineligible; or

3 (3) operates a criminal injuries compensation program for which money
4 has not been appropriated or made available.

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

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

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

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