

**Department of Legislative Services**  
Maryland General Assembly  
2005 Session

**FISCAL AND POLICY NOTE**  
**Revised**

Senate Bill 151 (Chairman, Judicial Proceedings Committee)  
(By Request – Departmental – Public Safety and Correctional Services)

Judicial Proceedings

Judiciary

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

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This departmental bill allows a parent, child, or spouse of an individual incarcerated for abuse under the State’s prohibitions against domestic violence to be eligible for an award from the Criminal Injuries Compensation Fund if, prior to incarceration, the individual: (1) resided with the parent, child, or spouse; and (2) provided financial support to the parent, child, or spouse.

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**Fiscal Summary**

**State Effect:** Although this bill could increase awards made from the fund, any such increase is expected to be minimal and could be handled with the fund’s existing claim award resources. The Criminal Injuries Compensation Board projects two additional claims per year arising from this bill.

**Local Effect:** None.

**Small Business Effect:** The Department of Public Safety and Correctional Services has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. The attached assessment does not reflect amendments to the bill.

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**Analysis**

**Current Law:** A claimant seeking compensation from the Criminal Injuries Compensation Fund must file a claim no later than 180 days after the occurrence of the

crime or delinquent act or the death of the victim. For good cause, the board may extend the filing time up to three years after the occurrence of the crime or delinquent act or death of the victim. In a case of child abuse, a claimant may file a claim up to three years after the claimant knew or should have known of the abuse. A person who commits the crime or delinquent act that is the basis of a claim, or an accomplice of the person, is not eligible to receive an award.

The Criminal Injuries Compensation Board may make an award only if the board finds that: (1) a crime or delinquent act was committed; (2) the crime or delinquent act directly resulted in physical injury to or death of the victim or psychological injury to the victim that necessitated mental health counseling; (3) police, other law enforcement, or judicial records show that the crime or delinquent act or the discovery of child abuse was reported to the proper authorities within 48 hours after the occurrence of the crime or delinquent act or the discovery of the child abuse; and (4) the victim has cooperated fully with all law enforcement units.

The board may make an award only if the claimant, as a result of the injury on which the claim is based, has: (1) incurred at least \$100 in unreimbursed and unreimbursable expenses or indebtedness reasonably incurred or claimed for specified necessary services; or (2) lost at least two continuous weeks' earnings or support. A claim awarded for lost wages may not exceed two-thirds of gross weekly salary or \$668 per week, whichever is greater.

Compensation from the fund may not exceed:

- \$25,000 for a disability-related or dependency-related claim;
- \$45,000 for a medical claim;
- \$5,000 for each claimant for psychiatric, psychological, or mental health counseling;
- a total of \$45,000, including any subsequent and supplemental awards;
- \$250 for each claimant for repair, replacement, or cleaning of property damaged, soiled, or littered as a result of a crime or law enforcement investigation of a crime; or
- for an award for psychiatric, psychological, or mental health counseling resulting from the death of a victim: (1) \$1,000 for each claimant; and (2) \$5,000 for each incident.

An award for funeral expenses may not exceed \$5,000.

Chapter 16 of 2003 provides that a parent or guardian of a child crime victim sharing residence with the child is eligible for an award from the Criminal Injuries Compensation Fund of up to 30 days of lost earnings resulting from having to provide care to the child

victim. In addition, Chapter 16 also allows a crime victim who suffers catastrophic injury resulting in permanent, total disability to be awarded an additional \$25,000 above the \$25,000 limit.

An award made under this subtitle must be reduced by the amount of any payments received or to be received as a result of the injury (1) from or on behalf of the offender; (2) from any other public or private source, including an award under the Maryland Workers' Compensation Act or any life insurance payments; or (3) as an emergency award.

If there are two or more persons entitled to an award as a result of the death of a victim, the award must be apportioned among the claimants. The board may negotiate a settlement with a health care provider for the medical and medically-related expenses.

**Background:** The Criminal Injuries Compensation Fund, a nonreverting special fund, had a fiscal year end balance of about \$2.9 million on June 30, 2004. Under provisions of the federal Victims of Crimes Act, the federal government reimburses states 60% of victims' awards actually paid during the prior fiscal year. According to the board's *2003 Annual Report*, in fiscal 2003 there were 1,831 claims made against the fund, and a total of about \$5.8 million awarded to successful claimants.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Public Safety and Correctional Services (Criminal Injuries Compensation Board), Department of Legislative Services

**Fiscal Note History:** First Reader - January 27, 2005  
ncs/jr Revised - Senate Third Reader - March 23, 2005

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