
By: **Delegates Cryor, Barkley, Bartlett, Dumais, Edwards, Feldman, King,
Morhaim, Murray, Petzold, Stern, and Stocksdale**

Introduced and read first time: February 17, 2006

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Injuries Compensation Fund - Victims of Hate Crimes - Property**
3 **Damage**

4 FOR the purpose of authorizing the Criminal Injuries Compensation Board to make
5 an award of compensation on a finding that a violation of a certain hate crime
6 directly resulted in property damage to the victim of the crime; requiring that
7 the Board make a certain award of compensation only under certain
8 circumstances; requiring that an award of compensation under this Act may not
9 exceed a certain amount; requiring that an award of compensation under this
10 Act be reduced under certain circumstances; defining a certain term; providing
11 for the application of this Act; and generally relating to property damage
12 compensation for victims of certain hate crimes.

13 BY repealing and reenacting, without amendments,
14 Article - Criminal Procedure
15 Section 11-801(a), (b), and (c)
16 Annotated Code of Maryland
17 (2001 Volume and 2005 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article - Criminal Procedure
20 Section 11-801(f), 11-810(a) and (c), and 11-811(b) and (c)
21 Annotated Code of Maryland
22 (2001 Volume and 2005 Supplement)

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

25 **Article - Criminal Procedure**

26 11-801.

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

1 (b) "Board" means the Criminal Injuries Compensation Board.

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

3 (f) "Victim" means a person:

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

6 (2) who suffers psychological injury as a direct result of:

7 (i) a fourth degree sexual offense or a delinquent act that would be
8 a fourth degree sexual offense if committed by an adult;

9 (ii) a felony or a delinquent act that would be a felony if committed
10 by an adult; or

11 (iii) physical injury or death directly resulting from a crime or
12 delinquent act; [or]

13 (3) who suffers physical injury or death as a direct result of:

14 (i) trying to prevent a crime or delinquent act or an attempted
15 crime or delinquent act from occurring in the person's presence;

16 (ii) trying to apprehend an offender who had committed a crime or
17 delinquent act in the person's presence or had committed a felony or a delinquent act
18 that would be a felony if committed by an adult; or

19 (iii) helping a law enforcement officer in the performance of the
20 officer's duties or helping a member of a fire department who is being obstructed from
21 performing the member's duties; OR

22 (4) WHO SUFFERS PROPERTY DAMAGE AS A DIRECT RESULT OF A
23 VIOLATION OF TITLE 10, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE.

24 11-810.

25 (a) (1) The Board may make an award only if the Board finds that:

26 (i) a crime or delinquent act was committed;

27 (ii) the crime or delinquent act directly resulted in:

28 1. physical injury to or death of the victim; [or]

29 2. psychological injury to the victim that necessitated mental
30 health counseling; OR

31 3. PROPERTY DAMAGE TO THE VICTIM OF A VIOLATION OF
32 TITLE 10, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE;

1 (iii) police, other law enforcement, or judicial records show that the
2 crime or delinquent act or the discovery of child abuse was reported to the proper
3 authorities within 48 hours after the occurrence of the crime or delinquent act or the
4 discovery of the child abuse; and

5 (iv) the victim has cooperated fully with all law enforcement units.

6 (2) For good cause, the Board may waive the requirements of paragraph
7 (1)(iii) and (iv) of this subsection.

8 (c) The Board may make an award only if the claimant, as a result of the
9 injury OR PROPERTY DAMAGE on which the claim is based, has:

10 (1) incurred at least \$100 in unreimbursed and unreimbursable
11 expenses or indebtedness reasonably incurred or claimed for:

12 (i) medical care;

13 (ii) expenses for eyeglasses and other corrective lenses;

14 (iii) mental health counseling;

15 (iv) funeral expenses;

16 (v) repairing, replacing, or cleaning property;

17 (vi) disability or dependent claim; or

18 (vii) other necessary services; or

19 (2) lost at least 2 continuous weeks' earnings or support.

20 11-811.

21 (b) Compensation awarded under this subtitle may not exceed:

22 (1) for a disability-related or dependency-related claim:

23 (i) except as provided in item (ii) of this paragraph, \$25,000; or

24 (ii) if the injury to the victim results in permanent total disability,
25 up to an additional \$25,000 after a disability-related claim has been awarded to the
26 victim;

27 (2) \$45,000 for a medical claim;

28 (3) \$5,000 for each claimant for psychiatric, psychological, or mental
29 health counseling under subsection (a)(4) of this section;

30 (4) except as provided in item (1)(ii) of this subsection, a total of \$45,000,
31 including any subsequent and supplemental awards;

1 (5) \$250 for each claimant for repair, replacement, or cleaning of
2 property damaged, soiled, or littered as a result of a crime or law enforcement
3 investigation of a crime; [or]

4 (6) for an award for psychiatric, psychological, or mental health
5 counseling made under subsection (a)(6) of this section:

6 (i) \$1,000 for each claimant; and

7 (ii) \$5,000 for each incident; OR

8 (7) \$5,000 FOR A PROPERTY DAMAGE CLAIM RESULTING FROM A
9 VIOLATION OF TITLE 10, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE.

10 (c) An award made under this subtitle shall be reduced by the amount of any
11 payments received or to be received as a result of the injury OR PROPERTY DAMAGE:

12 (1) from or on behalf of the offender;

13 (2) except as provided in item (3) of this subsection, from any other
14 public or private source, including an award of the State Workers' Compensation
15 Commission under the Maryland Workers' Compensation Act;

16 (3) from any proceeds of life insurance in excess of \$25,000; or

17 (4) as an emergency award under § 11-813 of this subtitle.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
19 construed to apply only prospectively and may not be applied or interpreted to have
20 any effect on or application to any violation of Title 10, Subtitle 3 of the Criminal Law
21 Article committed before the effective date of this Act.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
23 effect October 1, 2006.