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

Introduced and read first time: January 16, 2006

Rules suspended

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: February 7, 2006

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure - Criminal Injuries Compensation Board - Claims**

3 FOR the purpose of altering a certain time limit for filing a claim with the Criminal
4 Injuries Compensation Board; prohibiting the collection of debts from certain
5 claimants; establishing certain legal protections for claimants from debt
6 collection activities under certain circumstances; allowing certain health care
7 providers to notify the Board of certain claims; requiring the Board to notify
8 certain health care providers when a final decision is made on certain claims;
9 allowing certain health care providers to pursue certain debt collection activities
10 for a certain time period following a final decision on a claim under certain
11 circumstances; defining a certain term; and generally relating to claims for
12 criminal injuries compensation.

13 BY repealing and reenacting, with amendments,
14 Article - Criminal Procedure
15 Section 11-809
16 Annotated Code of Maryland
17 (2001 Volume and 2005 Supplement)

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

1

Article - Criminal Procedure

2 11-809.

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

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

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

7 (2) For good cause, the Board may extend the time for filing up to] 3
8 years after the occurrence of the crime or delinquent act or the death of the victim.9 [(3)] (2) In a case of child abuse, a claimant may file a claim up to 3
10 years after the claimant knew or should have known of the child abuse.

11 (b) (1) Claims shall be filed in the office of the Board in person or by mail.

12 (2) The Board shall:

13 (i) accept for filing each claim that meets the requirements of this
14 subtitle and the regulations of the Board; and

15 (ii) notify the claimant within 10 days after receipt of the claim.

16 (C) (1) (I) IN THIS SUBSECTION, "DEBT COLLECTION ACTIVITIES" MEANS:

17 1. REPEATEDLY CALLING OR WRITING TO A CLAIMANT AND
18 THREATENING TO REFER THE UNPAID HEALTH CARE MATTER TO A DEBT
19 COLLECTION AGENCY OR TO AN ATTORNEY FOR COLLECTION; OR20 2. FILING A LEGAL ACTION OR PURSUING ANY LEGAL
21 PROCESS OR LEGAL PROCEEDING.22 (II) "DEBT COLLECTION ACTIVITIES" DOES NOT INCLUDE ROUTINE
23 BILLING OR INQUIRIES ABOUT THE STATUS OF THE CLAIM.24 (2) WHEN A CLAIMANT FILES A CLAIM UNDER THIS SUBTITLE, ALL
25 HEALTH CARE PROVIDERS, AS DEFINED IN § 3-2A-01(E) OF THE COURTS ARTICLE AND
26 IN § 4-301(G) OF THE HEALTH - GENERAL ARTICLE, THAT HAVE BEEN GIVEN NOTICE
27 OF A PENDING CLAIM SHALL REFRAIN FROM ALL DEBT COLLECTION ACTIVITIES
28 RELATING TO HEALTH CARE, AS DEFINED IN § 4-301(F) OF THE HEALTH - GENERAL
29 ARTICLE, RECEIVED BY THE CLAIMANT IN CONNECTION WITH A CLAIM UNTIL A
30 FINAL DECISION IS MADE BY THE SECRETARY ON THE CLAIM.31 (3) ON FILING BY A PARTY OF A NOTICE OF A CLAIM FILED UNDER THIS
32 SUBTITLE, A COURT SHALL STAY ALL PROCEEDINGS IN AN ACTION RELATED TO
33 HEALTH CARE PROVIDED TO A CLAIMANT IN CONNECTION WITH THE CLAIM UNTIL
34 THE COURT IS NOTIFIED THAT A FINAL DECISION ON THE CLAIM HAS BEEN MADE.

1 (4) CLAIMANTS UNDER THIS SUBTITLE ARE PROTECTED UNDER THE
2 MARYLAND CONSUMER DEBT COLLECTION ACT IN TITLE 14, SUBTITLE 2 OF THE
3 COMMERCIAL LAW ARTICLE.

4 (5) (I) A HEALTH CARE PROVIDER WHO RECEIVES NOTICE THAT A
5 CLAIM HAS BEEN FILED UNDER THIS SUBTITLE MAY NOTIFY THE BOARD IN WRITING
6 OF THE DEBT OWED BY THE CLAIMANT IN CONNECTION WITH THE CLAIM.

7 (II) IF A HEALTH CARE PROVIDER NOTIFIES THE BOARD UNDER
8 SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE BOARD SHALL NOTIFY THE HEALTH
9 CARE PROVIDER IN WRITING WHEN A FINAL DECISION IS MADE ON THE CLAIM.

10 (6) AFTER A FINAL DECISION ON THE CLAIM UNDER THIS SUBTITLE, A
11 HEALTH CARE PROVIDER THAT HAS RECEIVED NOTICE OF A PENDING CLAIM UNDER
12 THIS SUBTITLE MAY ENGAGE IN DEBT COLLECTION ACTIVITIES OR FILE A CIVIL
13 ACTION IN COURT UNTIL THE LATER OF:

14 (I) THE EXPIRATION OF THE TIME FOR FILING A CIVIL ACTION IN
15 COURT; OR

16 (II) 6 MONTHS AFTER THE DATE OF THE FINAL DECISION ON THE
17 CLAIM UNDER THIS SUBTITLE.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
19 effect October 1, 2006.