
By: **Senators Giannetti and Stone (Committee to Revise Article 27 - Crimes and Punishments)**

Introduced and read first time: January 26, 2006

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Restitution - Victims and Payments**

3 FOR the purpose of expanding the list of entities to which restitution can be ordered
4 to be paid for the commission of offenses relating to destructive devices and toxic
5 materials; expanding the list of persons to whom a court is authorized to order
6 restitution; establishing the priority of payment of restitution to a victim;
7 establishing that the Department of Juvenile Services shall forward certain
8 restitution to a certain person or governmental unit; altering a certain
9 definition; and generally relating to restitution.

10 BY repealing and reenacting, with amendments,

11 Article - Criminal Law
12 Section 4-503(c), 9-504(e), and 9-505(c)
13 Annotated Code of Maryland
14 (2002 Volume and 2005 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article - Criminal Procedure
17 Section 11-606, 11-607(b), and 11-1001(d)
18 Annotated Code of Maryland
19 (2001 Volume and 2005 Supplement)

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

22 **Article - Criminal Law**

23 4-503.

24 (c) (1) In addition to any penalty provided in subsection (b) of this section, a
25 person convicted or found to have committed a delinquent act under this section may
26 be ordered by the court to pay restitution to:

1 (i) the State, county, municipal corporation, bicounty agency,
2 MULTICOUNTY AGENCY, COUNTY BOARD OF EDUCATION, PUBLIC AUTHORITY, or
3 special taxing district for actual costs reasonably incurred due to [the placement,
4 delivery, or detonation of a destructive device] A VIOLATION OF THIS SECTION,
5 including the search for, removal of, and damages caused by a destructive device; and

6 (ii) the owner or tenant of a property for the actual value of any
7 goods, services, or income lost as a result of the evacuation of the property or damage
8 sustained due to [the placement, delivery, or detonation of a destructive device] A
9 VIOLATION OF THIS SECTION.

10 (2) (i) If a person convicted or found to have committed a delinquent
11 act under this section is a minor, the court may order the minor, the minor's parent,
12 or both to pay the restitution described in paragraph (1) of this subsection.

13 (ii) Except as otherwise provided in this section, the provisions of
14 Title 11, Subtitle 6 of the Criminal Procedure Article apply to an order of restitution
15 under this paragraph.

16 (3) This subsection does not limit the right of a person to restitution
17 under Title 11, Subtitle 6 of the Criminal Procedure Article.

18 9-504.

19 (e) (1) In addition to the penalty provided in subsection (c) of this section, a
20 court may order a person convicted or found to have committed a delinquent act
21 under this section to pay restitution to:

22 (i) the State, county, municipal corporation, bicounty unit,
23 MULTICOUNTY UNIT, COUNTY BOARD OF EDUCATION, PUBLIC AUTHORITY, or special
24 taxing district for actual costs reasonably incurred in responding to a location and
25 searching for a destructive device [caused by the false statement or rumor of a
26 destructive device] AS A RESULT OF A VIOLATION OF THIS SECTION; and

27 (ii) the owner or tenant of a property for the actual value of any
28 goods, services, or income lost as a result of the evacuation of the property [in
29 response to the false statement or rumor of a destructive device] AS A RESULT OF A
30 VIOLATION OF THIS SECTION.

31 (2) This subsection may not be construed to limit the right of a person to
32 restitution under Title 11, Subtitle 6 of the Criminal Procedure Article.

33 (3) (i) If the person convicted or found to have committed a delinquent
34 act under this section is a minor, the court may order the minor, the minor's parent,
35 or both to pay the restitution described in paragraph (1) of this subsection.

36 (ii) Except as otherwise provided in this section, the provisions of
37 Title 11, Subtitle 6 of the Criminal Procedure Article apply to an order of restitution
38 under this paragraph.

1 9-505.

2 (c) (1) In addition to the penalty provided in subsection (b) of this section, a
3 person convicted or found to have committed a delinquent act under this section may
4 be ordered by the court to pay restitution to:

5 (i) the State, county, municipal corporation, bicounty unit,
6 MULTICOUNTY UNIT, COUNTY BOARD OF EDUCATION, PUBLIC AUTHORITY, or special
7 taxing district for actual costs reasonably incurred [in responding to a location and
8 searching for and removing of a device or container that is labeled as containing or is
9 intended to represent a toxic material or a device constructed to represent a
10 destructive device] AS A RESULT OF A VIOLATION OF THIS SECTION; and

11 (ii) the owner or tenant of a property for the actual value of any
12 goods, services, or income lost as a result of the evacuation of the property [in
13 response to a device or container that is labeled as containing or is intended to
14 represent a toxic material or a device that is constructed to represent a destructive
15 device] AS A RESULT OF A VIOLATION OF THIS SECTION.

16 (2) This subsection may not be construed to limit the right of a person to
17 restitution under Title 11, Subtitle 6 of the Criminal Procedure Article.

18 (3) (i) If the person convicted or found to have committed a delinquent
19 act in violation of this section is a minor, the court may order the minor, the minor's
20 parent, or both to pay the restitution described in paragraph (1) of this subsection.

21 (ii) Except as otherwise provided in this section, the provisions of
22 Title 11, Subtitle 6 of the Criminal Procedure Article apply to an order of restitution
23 under this paragraph.

24 **Article - Criminal Procedure**

25 11-606.

26 (a) The court may order that restitution be paid to:

27 (1) the victim;

28 (2) the Department of Health and Mental Hygiene, the Criminal Injuries
29 Compensation Board, or any other governmental unit; [or]

30 (3) a third-party payor, including:

31 (i) an insurer; or

32 (ii) any other person that has, under Part I of this subtitle:

33 1. compensated the victim for a property or pecuniary loss; or

34 2. paid an expense on behalf of a victim;

1 (4) ANY PERSON FOR WHOM RESTITUTION IS AUTHORIZED BY LAW; OR

2 (5) A PERSON WHO HAS PROVIDED TO OR FOR A VICTIM GOODS,
3 PROPERTY, OR SERVICES FOR WHICH RESTITUTION IS AUTHORIZED UNDER § 11-603
4 OF THIS SUBTITLE.

5 (b) (1) [Payment] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,
6 PAYMENT of restitution to the victim has priority over[:

7 (i) payment of restitution to the Department of Health and Mental
8 Hygiene or other governmental unit;

9 (ii) payments owed to the State for reimbursement of payments
10 made on behalf of a child; and

11 (iii) subject to paragraph (2) of this subsection, payment of
12 restitution to a third-party payor] PAYMENT OF RESTITUTION TO ANY OTHER
13 PERSON OR GOVERNMENTAL UNIT.

14 (2) If the victim has been fully compensated for the victim's loss by a
15 third-party payor, the court may issue a judgment of restitution that directs the
16 restitution obligor to pay restitution to the third-party payor.

17 11-607.

18 (b) (1) The restitution obligor shall make restitution to the Division or the
19 Department of Juvenile Services under the terms and conditions of the judgment of
20 restitution.

21 (2) The Division or the Department of Juvenile Services:

22 (i) shall keep records of payments or return of property in
23 satisfaction of the judgment of restitution;

24 (ii) shall forward property or payments in accordance with the
25 judgment of restitution and Part I of this subtitle to[:

26 1. the victim;

27 2. the Department of Health and Mental Hygiene or other
28 governmental unit; or

29 3. the third-party payor] THE PERSON OR GOVERNMENTAL
30 UNIT SPECIFIED IN THE JUDGMENT OF RESTITUTION; and

31 (iii) may require the restitution obligor to pay additional fees not
32 exceeding 2% of the amount of the judgment of restitution to pay for the
33 administrative costs of collecting payments or property.

1 11-1001.

2 (d) "Restitution" means money or services that a defendant is ordered to pay
3 or render to a victim [or], victim's representative, OR OTHER PERSON OR
4 GOVERNMENTAL UNIT.

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