
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

Committee Report: Favorable

Senate action: Adopted

Read second time: March 8, 2006

CHAPTER _____

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:

1

Article - Criminal Law

2 4-503.

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

6 (i) the State, county, municipal corporation, bicounty agency,
7 MULTICOUNTY AGENCY, COUNTY BOARD OF EDUCATION, PUBLIC AUTHORITY, or
8 special taxing district for actual costs reasonably incurred due to [the placement,
9 delivery, or detonation of a destructive device] A VIOLATION OF THIS SECTION,
10 including the search for, removal of, and damages caused by a destructive device; 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 or damage
13 sustained due to [the placement, delivery, or detonation of a destructive device] A
14 VIOLATION OF THIS SECTION.

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

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

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

23 9-504.

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

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

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

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

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

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

7 9-505.

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

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

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

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

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

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

30 **Article - Criminal Procedure**

31 11-606.

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

33 (1) the victim;

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

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

- 1 (i) an insurer; or
- 2 (ii) any other person that has, under Part I of this subtitle:
- 3 1. compensated the victim for a property or pecuniary loss; or
- 4 2. paid an expense on behalf of a victim;
- 5 (4) ANY PERSON FOR WHOM RESTITUTION IS AUTHORIZED BY LAW; OR
- 6 (5) A PERSON WHO HAS PROVIDED TO OR FOR A VICTIM GOODS,
7 PROPERTY, OR SERVICES FOR WHICH RESTITUTION IS AUTHORIZED UNDER § 11-603
8 OF THIS SUBTITLE.

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

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

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

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

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

21 11-607.

22 (b) (1) The restitution obligor shall make restitution to the Division or the
23 Department of Juvenile Services under the terms and conditions of the judgment of
24 restitution.

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

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

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

30 1. the victim;

31 2. the Department of Health and Mental Hygiene or other
32 governmental unit; or

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

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

6 11-1001.

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

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