

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 1536
Judiciary

(Delegate Cryor, *et al.*)

Criminal Injuries Compensation Fund - Victims of Hate Crimes - Property
Damage

This bill authorizes the Criminal Injuries Compensation Board to make an award of up to \$5,000 on a finding that a violation of a hate crime directly resulted in property damage to the victim of the crime. An award under this provision must be reduced by the amount of any payment received or to be received as a result of the damage: (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; (3) from any proceeds of life insurance in excess of \$25,000; or (4) as an emergency award from the board.

The bill's provisions are applied prospectively only.

Fiscal Summary

State Effect: Special fund expenditure increase of about \$100,000 annually for the Criminal Injuries Compensation Fund.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The State's Criminal Injuries Compensation Board provides financial assistance for innocent victims of crime. The board may compensate victims who suffer physical injury for their medical expenses and loss of earnings. In cases of homicide, the

board may assist with funeral expenses and loss of support on the part of the victim's dependents. 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 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 must be reduced by the amount of any payment 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; (3) from any proceeds of life insurance in excess of \$25,000; or (4) as an emergency award from the board.

Background: The Criminal Injuries Compensation Fund had special fund award expenditures of approximately \$4.9 million in fiscal 2005. The fund had a balance of \$3,536,231 at the close of fiscal 2005. It has continued to decline in recent years mainly due to the fund becoming more widely known in the State, more victims advocates referring victims to the board, and the types of allowable claims expanding.

For fiscal 2006, DPSCS advises that the board is on pace to receive more than 1,650 eligible claims for the year. Special fund expenditures for fiscal 2006 are estimated to total nearly \$5.0 million by the end of the fiscal year.

Looking ahead to next year, recent growth patterns would suggest that 1,850 to 1,900 eligible claims could be made in fiscal 2007. While this is below the department's estimate of 2,000 eligible claims for the year, it is not significantly so. The fiscal 2007 allowance provides for \$5,420,000 in anticipated award expenditures, an increase of \$420,000 over fiscal 2006.

The U.S. Department of Justice, through the Victims of Crime Act (VOCA), reimburses each state 60% of money expended on claims. VOCA does not allow reimbursement for property damage claims.

State Expenditures: Based on the most recent Uniform Crime Reports (UCR) data, in 2004, there were 544 hate/bias incidents reported in the State. Of that total, 381 were verified by the State Police. Of the number verified, 236 involved the offense of destruction of property, which ranked first of all such incidents. The total value of the property damage resulting from the hate/bias incidents was \$56,154, an increase of \$6,955 over 2003. However, because some incidents were reported without an estimate of damage, the State Police believe that the total value of damage for the year may have been closer to \$100,000.

Based on the 2004 data, this bill could result in an additional filing of 240 claims, and increase awards by the boards by \$100,000 annually.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services,
Department of Legislative Services

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