

# HOUSE BILL 1001

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71r1102  
CF SB 93

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By: **Delegate Vallario**

Introduced and read first time: February 9, 2007

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Unclaimed Restitution – Disbursements and Use**

3 FOR the purpose of requiring the Comptroller to distribute all unclaimed money from  
4 certain judgments to the State Victims of Crime Fund for a certain purpose;  
5 requiring the State Board of Victim Services to ensure that the money obtained  
6 from unclaimed restitution is used for certain grants; providing that it is the  
7 intent of the General Assembly that if certain funding is terminated or reduced  
8 below a certain level, the Governor shall include a certain appropriation in the  
9 annual budget bill; and generally relating to disbursements and use of  
10 unclaimed restitution.

11 BY repealing and reenacting, without amendments,  
12 Article – Commercial Law  
13 Section 17–101(c)  
14 Annotated Code of Maryland  
15 (2005 Replacement Volume and 2006 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Commercial Law  
18 Section 17–317  
19 Annotated Code of Maryland  
20 (2005 Replacement Volume and 2006 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article – Criminal Procedure  
23 Section 11–919

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2001 Volume and 2006 Supplement)

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

5 **Article – Commercial Law**

6 17–101.

7 (c) “Administrator” means the State Comptroller.

8 17–317.

9 (a) (1) All funds received under this title, including the proceeds of the  
10 sale of abandoned property under § 17–316 of this subtitle, shall be credited by the  
11 Administrator to a special fund. The Administrator shall retain in the special fund at  
12 the end of each fiscal year, from the proceeds received, an amount not to exceed  
13 \$50,000, from which sum the Administrator shall pay any claim allowed under this  
14 title.

15 (2) After deducting all costs incurred in administering this title from  
16 the remaining net funds the Administrator shall distribute \$500,000 to the Maryland  
17 Legal Services Corporation to support the activities of the corporation.

18 **(3) THE ADMINISTRATOR SHALL DISTRIBUTE ALL UNCLAIMED**  
19 **MONEY FROM JUDGMENTS OF RESTITUTION UNDER TITLE 11, SUBTITLE 6 OF**  
20 **THE CRIMINAL PROCEDURE ARTICLE TO THE STATE VICTIMS OF CRIME FUND**  
21 **ESTABLISHED UNDER § 11–916 OF THE CRIMINAL PROCEDURE ARTICLE TO**  
22 **ASSIST VICTIMS OF CRIMES AND DELINQUENT ACTS TO PROTECT THE VICTIMS’**  
23 **RIGHTS AS PROVIDED BY LAW.**

24 [(3)](4) After making the [distribution] **DISTRIBUTIONS** required  
25 under [paragraph (2)] **PARAGRAPHS (2) AND (3)** of this subsection, the  
26 Administrator shall distribute the remaining net funds not retained under paragraph  
27 (1) of this subsection to the General Fund of the State.

28 (b) Before making the distribution, the Administrator shall record the name  
29 and last known address, if any, of the owners of funds so distributed and the type of  
30 property which the funds distributed represent. The record shall be available for  
31 public inspection during reasonable business hours by any person who claims a legal

1 interest in any property held by the Administrator, provided that the person gives  
2 prior notice to the Administrator.

3 **Article – Criminal Procedure**

4 11–919.

5 (a) There is a grant program.

6 (b) The Governor’s Office of Crime Control and Prevention shall:

7 (1) adopt regulations for the administration and award of grants  
8 under Part II of this subtitle; and

9 (2) submit all approved grant applications to the Board.

10 (c) The Board shall:

11 (1) approve each grant application received by the Governor’s Office of  
12 Crime Control and Prevention before any money is released from the Fund; AND

13 (2) **ENSURE THAT THE MONEY OBTAINED FROM UNCLAIMED**  
14 **RESTITUTION UNDER § 11–614(B)(2) OF THIS TITLE IS USED FOR ANNUAL**  
15 **GRANTS TO PROVIDE LEGAL COUNSEL TO VICTIMS OF CRIMES AND DELINQUENT**  
16 **ACTS TO PROTECT THE VICTIMS’ RIGHTS AS PROVIDED BY LAW.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the  
18 General Assembly that if the funding provided to serve Maryland crime victims  
19 through the Department of Justice’s State and Federal Clinics and System  
20 Demonstration Project and the Crime Victims’ Rights Enforcement Project is  
21 terminated or reduced below a total of \$500,000 per fiscal year, the Governor shall  
22 include in the annual budget bill each year an appropriation to the State Victims of  
23 Crime Fund of \$500,000 less any funding provided by the federal projects and any  
24 amount distributed to the Fund under the provisions of this Act.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2007.