

HOUSE BILL 1001

E2

71r1102
CF SB 93

By: **Delegate Vallario**

Introduced and read first time: February 9, 2007

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2007

CHAPTER _____

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 Comptroller to reduce a certain distribution by a certain amount if
6 a victim entitled to certain restitution is located; requiring the State Board of
7 Victim Services to ensure that the money obtained from unclaimed restitution is
8 used for certain grants; ~~providing that it is the intent of the General Assembly~~
9 ~~that if certain funding is terminated or reduced below a certain level, the~~
10 ~~Governor shall include a certain appropriation in the annual budget bill;~~ and
11 generally relating to disbursements and use of unclaimed restitution.

12 BY repealing and reenacting, without amendments,
13 Article – Commercial Law
14 Section 17–101(c)
15 Annotated Code of Maryland
16 (2005 Replacement Volume and 2006 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Commercial Law
19 Section 17–317

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2005 Replacement Volume and 2006 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Criminal Procedure
5 Section 11–919
6 Annotated Code of Maryland
7 (2001 Volume and 2006 Supplement)

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

10 **Article – Commercial Law**

11 17–101.

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

13 17–317.

14 (a) (1) All funds received under this title, including the proceeds of the
15 sale of abandoned property under § 17–316 of this subtitle, shall be credited by the
16 Administrator to a special fund. The Administrator shall retain in the special fund at
17 the end of each fiscal year, from the proceeds received, an amount not to exceed
18 \$50,000, from which sum the Administrator shall pay any claim allowed under this
19 title.

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

23 **(3) (I) THE SUBJECT TO SUBPARAGRAPH (II) OF THIS**
24 **PARAGRAPH, THE ADMINISTRATOR SHALL DISTRIBUTE ALL UNCLAIMED MONEY**
25 **FROM JUDGMENTS OF RESTITUTION UNDER TITLE 11, SUBTITLE 6 OF THE**
26 **CRIMINAL PROCEDURE ARTICLE TO THE STATE VICTIMS OF CRIME FUND**
27 **ESTABLISHED UNDER § 11–916 OF THE CRIMINAL PROCEDURE ARTICLE TO**
28 **ASSIST VICTIMS OF CRIMES AND DELINQUENT ACTS TO PROTECT THE VICTIMS’**
29 **RIGHTS AS PROVIDED BY LAW.**

30 **(II) IF A VICTIM ENTITLED TO RESTITUTION THAT HAS BEEN**
31 **TREATED AS ABANDONED PROPERTY UNDER § 11–614 OF THE CRIMINAL**
32 **PROCEDURE ARTICLE IS LOCATED AFTER THE MONEY HAS BEEN DISTRIBUTED**

1 UNDER THIS PARAGRAPH, THE ADMINISTRATOR SHALL REDUCE THE NEXT
 2 DISTRIBUTION TO THE STATE VICTIMS OF CRIME FUND BY THE AMOUNT
 3 RECOVERED BY THE VICTIM.

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

8 (b) Before making the distribution, the Administrator shall record the name
 9 and last known address, if any, of the owners of funds so distributed and the type of
 10 property which the funds distributed represent. The record shall be available for
 11 public inspection during reasonable business hours by any person who claims a legal
 12 interest in any property held by the Administrator, provided that the person gives
 13 prior notice to the Administrator.

14 **Article – Criminal Procedure**

15 11–919.

16 (a) There is a grant program.

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

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

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

21 (c) The Board shall:

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

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

28 ~~SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the~~
 29 ~~General Assembly that if the funding provided to serve Maryland crime victims~~
 30 ~~through the Department of Justice’s State and Federal Clinics and System~~

1 ~~Demonstration Project and the Crime Victims' Rights Enforcement Project is~~
2 ~~terminated or reduced below a total of \$500,000 per fiscal year, the Governor shall~~
3 ~~include in the annual budget bill each year an appropriation to the State Victims of~~
4 ~~Crime Fund of \$500,000 less any funding provided by the federal projects and any~~
5 ~~amount distributed to the Fund under the provisions of this Act.~~

6 SECTION ~~3.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take
7 effect October 1, 2007.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.