

SENATE BILL 93

E2

71r0953
CF 71r1102

By: **Senators Stone and Miller**

Introduced and read first time: January 22, 2007

Assigned to: Judicial Proceedings

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

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.