

SB0140/342212/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 140
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Criminal Procedure – Criminal Injuries Compensation Board” and substitute “Criminal Injuries Compensation”; in line 4, strike “requiring” and substitute “authorizing”; in line 5, strike “an” and substitute “a certain”; in line 8, after “circumstances;” insert “repealing a provision prohibiting a certain claimant from receiving an award unless the claimant proves a certain lack of knowledge;”; in line 13, after “applies;” insert “modifying certain definitions; providing that certain limitations regarding eligibility for an award do not apply with respect to certain victims;”; and in line 17, strike “11-810” and substitute “11-801, 11-808(a), 11-810(a) and (d).”.

AMENDMENT NO. 2

On page 2, after line 1, insert:

“11-801.

(a) In this subtitle the following words have the meanings indicated.

(b) “Board” means the Criminal Injuries Compensation Board.

(c) “Claimant” means the person filing a claim under this subtitle.

(d) (1) “Crime” means:

(i) except as provided in paragraph (2) of this subsection, a criminal offense under state, federal, or common law that is committed in:

(Over)

1. this State; or

2. another state against a resident of this State; or

(ii) an act of international terrorism as defined in Title 18, § 2331 of the United States Code that is committed outside of the United States against a resident of this State.

(2) “Crime” does not include an act involving the operation of a vessel or motor vehicle unless the act is:

(I) A VIOLATION OF TITLE 2, SUBTITLE 5, § 2-209, § 3-204, OR § 3-211 OF THE CRIMINAL LAW ARTICLE;

(II) A VIOLATION OF § 8-738 OF THE NATURAL RESOURCES ARTICLE;

[(i)] (III) a violation of § 20–102, § 20–104, § 21–902, or § 21–904 of the Transportation Article; or

[(ii)] (IV) operating a motor vehicle or vessel that results in an intentional injury.

(e) “Dependent” means:

(1) a surviving spouse or child of a person; or

(2) a person who is dependent on another person for principal support.

(f) “Victim” means a person:

(1) who suffers physical injury or death as a result of a crime or delinquent act;

(2) who suffers psychological injury as a direct result of:

(i) [a fourth degree sexual offense or a delinquent act that would be a fourth degree sexual offense if committed by an adult;

(ii) a [felony] CRIME or a delinquent act that would be a [felony] CRIME if committed by an adult; or

[(iii)] (II) physical injury or death directly resulting from a crime or delinquent act; [or]

(3) who suffers physical injury or death as a direct result of:

(i) trying to prevent a crime or delinquent act or an attempted crime or delinquent act from occurring in the person's presence;

(ii) trying to apprehend an offender who had committed a crime or delinquent act in the person's presence or had committed a felony or a delinquent act that would be a felony if committed by an adult; or

(iii) helping a law enforcement officer in the performance of the officer's duties or helping a member of a fire department who is being obstructed from performing the member's duties; OR

(4) **WHO IS A VICTIM OF TRAFFICKING AS DEFINED UNDER 22 U.S.C. § 7102 OR WHO WAS OTHERWISE FORCED TO PARTICIPATE IN A CRIME OR DELINQUENT ACT.**

11-808.

(a) (1) Except as provided in paragraph (2) of this subsection, the following persons are eligible for awards in the manner provided under this subtitle:

(i) a victim;

(ii) a dependent of a victim who died as a direct result of:

1. a crime or delinquent act;

2. trying to prevent a crime or delinquent act or an attempted crime or delinquent act from occurring in the victim's presence or trying to apprehend a person who had committed a crime or delinquent act in the victim's presence or had committed a felony or a delinquent act that would be considered a felony if committed by an adult; or

3. helping a law enforcement officer perform the officer's duties or helping a member of a fire department who is obstructed from performing the member's duties;

(iii) any person who paid or assumed responsibility for the funeral expenses of a victim who died as a direct result of:

1. a crime or delinquent act;

2. trying to prevent a crime or delinquent act or an attempted crime or delinquent act from occurring in the victim's presence or trying to apprehend a person who had committed a crime or delinquent act in the victim's presence or had committed a felony; or

3. helping a law enforcement officer perform the officer's duties or helping a member of a fire department who is obstructed from performing the member's duties; and

(iv) 1. a parent, child, or spouse of a victim who resides with the victim; or

2. a parent, child, or spouse of an individual who is incarcerated for abuse as defined in § 4-501 of the Family Law Article and who, prior to incarceration:

A. resided with the parent, child, or spouse; and

B. provided financial support to the parent, child, or spouse.

(2) A person who commits the crime or delinquent act that is the basis of a claim, or an accomplice of the person, **OTHER THAN A VICTIM DESCRIBED IN § 11-801(F)(4) OF THIS SUBTITLE**, is not eligible to receive an award with respect to the claim.”;

and in line 9, after “(iii)” insert “**EXCEPT IN THE CASE OF A VICTIM DESCRIBED IN § 11-801(F)(4) OF THIS SUBTITLE,**”.

On pages 2 and 3, strike in their entirety the lines beginning with line 17 on page 2 through line 2 on page 3, inclusive.

On page 3, in line 3, strike “(1)”; in line 6, strike “**SHALL**” and substitute “**MAY**”; in lines 9 and 12, strike “**(I)**” and “**(II)**”, respectively, and substitute “**(1)**” and “**(2)**”, respectively; in line 11, strike “**OR**”; in line 14, after “**CLAIM**” insert “**; OR**”

(3) THE VICTIM WAS AN OCCUPANT OF A MOTOR VEHICLE OR A DEPENDENT OF AN OCCUPANT OF A MOTOR VEHICLE OPERATED IN VIOLATION OF § 21-902 OF THE TRANSPORTATION ARTICLE, AND THE OCCUPANT KNEW OR SHOULD HAVE KNOWN OF THE CONDITION OF THE OPERATOR OF THE VEHICLE”;

and in lines 25 and 31, in each instance, strike the bracket.

On page 4, strike in their entirety lines 3 through 11, inclusive; in line 14, after “the” insert “**EFFECTIVE**”; and strike beginning with the comma in line 14 through the comma in line 16.