

**Department of Legislative Services**  
 Maryland General Assembly  
 2008 Session

**FISCAL AND POLICY NOTE**

House Bill 266

(Chair, Judiciary Committee) (By Request –  
 Departmental – Public Safety and Correctional Services)

Judiciary

Judicial Proceedings

**Criminal Injuries Compensation Board - Criminal Offense Outside of the United States**

This departmental bill expands the definition of the term “crime” under provisions relating to the Criminal Injuries Compensation Fund by including criminal offenses under State, federal, or common law committed in another country or territory outside of the U.S. against a resident of Maryland.

**Fiscal Summary**

**State Effect:** Criminal Injuries Compensation Fund awards could increase by about \$24,000 annually beginning in FY 2009. Federal VOCA reimbursements to the fund would then total \$14,400 annually beginning in FY 2010. The overall solvency and balance of the fund would not be significantly affected.

(in dollars)	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Reimb. Rev.	\$0	\$14,400	\$14,400	\$14,400	\$14,400
SF Expenditure	24,000	24,000	24,000	24,000	24,000
Net Effect	(\$24,000)	(\$9,600)	(\$9,600)	(\$9,600)	(\$9,600)

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** None.

**Small Business Effect:** The Department of Public Safety and Correctional Services has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

## Analysis

**Current Law:** The State's Criminal Injuries Compensation Board in the Department of Public Safety and Correctional Services (DPSCS) 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 three years after the occurrence of the crime or delinquent act or the 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 • a crime or delinquent act was committed; • 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; • 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 • 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 • from or on behalf of the offender; • from any other public or private source, including an award under the Maryland Workers' Compensation Act; • from any proceeds of life insurance in excess of \$25,000; or • as an emergency award from the board.

**Background:** The Criminal Injuries Compensation Fund had special fund award expenditures of approximately \$5.2 million in fiscal 2007 for 739 claims filed. Based on an assumption of 800 claims filed for all of fiscal 2008, awards for the current fiscal year are estimated to be about \$5.4 million. Claims and awards for fiscal 2009 are estimated to remain at those same levels. Although the fund balance has continued to decline in recent years (mainly due to the fund becoming more widely known, more victim advocates referring victims to the board, and expanding the types of allowable claims), it remains solvent. At the close of fiscal 2007, the fund balance for awards was about \$2.7 million. This bill is not expected to meaningfully affect that balance.

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. Assuming a minimal increase in claims as a result of this bill, federal VOCA reimbursements would increase minimally.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - January 25, 2008  
ncs/jr

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