

HB1386/908873/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1386
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “States” insert “and Claimant Confidentiality and Eligibility”; in line 7, after “Board;” insert “prohibiting the disclosure of the identity or contact information of a certain victim or claimant by the Criminal Injuries Compensation Board; prohibiting a person who has been convicted of certain offenses from receiving a certain award from the Board;”; in line 8, strike “eligibility for awards from”; and in line 12, strike “11-801” and substitute “11-801, 11-806, and 11-808(a)”.

AMENDMENT NO. 2

On page 3, after line 15, insert:

“11-806.

(a) Except as provided under [subsection (b)] SUBSECTIONS (B) AND (C) of this section, the record of a proceeding before the Board or a Board member is a public record.

(b) If the confidentiality of a record or report that the Board obtains is protected by law or regulation, the record or report shall remain confidential, subject to the law or regulation.

(c) THE BOARD MAY NOT ALLOW THE INSPECTION, USE, OR DISCLOSURE OF A NAME, ADDRESS, TELEPHONE NUMBER, OR SOCIAL SECURITY NUMBER PROVIDED TO THE BOARD FOR A VICTIM OR A CLAIMANT WHO IS A VICTIM OF A SEXUAL OFFENSE UNDER TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE.

(Over)

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] THE FOLLOWING PERSONS ARE NOT ELIGIBLE FOR AN AWARD UNDER THIS SUBTITLE:

(I) 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 with respect to [the] THAT claim; AND

(II) A PERSON WHO HAS EVER BEEN CONVICTED OF:

1. MURDER OR ATTEMPTED MURDER UNDER § 2-201, § 2-204, § 2-205, OR § 2-206 OF THE CRIMINAL LAW ARTICLE;

2. ATTEMPTED POISONING UNDER § 3-213 OF THE CRIMINAL LAW ARTICLE;

3. CONTAMINATING A WATER SUPPLY OR FOOD OR DRINK UNDER § 3-214 OF THE CRIMINAL LAW ARTICLE;

4. A SEXUAL OFFENSE UNDER § 3-303, § 3-304, § 3-305, § 3-306, § 3-307, § 3-309, § 3-310, § 3-311, § 3-312, § 3-315, § 3-321, § 3-323, § 3-324, OR § 3-602 OF THE CRIMINAL LAW ARTICLE;

5. ROBBERY UNDER § 3-402 OR § 3-403 OF THE CRIMINAL LAW ARTICLE;

6. CARJACKING UNDER § 3-405 OF THE CRIMINAL LAW ARTICLE;

7. KIDNAPPING UNDER § 3-502 OF THE CRIMINAL LAW ARTICLE;

8. CHILD KIDNAPPING UNDER § 3-503 OF THE CRIMINAL LAW ARTICLE;

9. CHILD ABUSE UNDER § 3-601 OF THE CRIMINAL LAW ARTICLE;

10. DISARMING A LAW ENFORCEMENT OFFICER UNDER § 4-103 OF THE CRIMINAL LAW ARTICLE;

11. A WEAPONS OFFENSE UNDER § 4-404 OF THE CRIMINAL LAW ARTICLE;

12. A CONTROLLED DANGEROUS SUBSTANCE OFFENSE UNDER § 5-613 OF THE CRIMINAL LAW ARTICLE;

13. ARSON UNDER § 6-102 OR § 6-103 OF THE CRIMINAL LAW ARTICLE;

14. MALICIOUS BURNING OF PROPERTY UNDER § 6-104 OF THE CRIMINAL LAW ARTICLE;

**15. A FELONY VIOLATION OF § 9-303 (RETALIATION AGAINST VICTIM OR WITNESS TESTIFYING) OR § 9-305 (VICTIM, WITNESS, JUROR, OR COURT OFFICER INTIMIDATION) OF THE CRIMINAL LAW ARTICLE;
OR**

16. A VIOLATION OF TITLE 20, SUBTITLE 6 (FEMALE GENITAL MUTILATION) OF THE HEALTH – GENERAL ARTICLE.”