

# HOUSE BILL 1386

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

Introduced and read first time: February 23, 2009

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Criminal Injuries Compensation Board – Claims by**  
3 **Victims Outside of the United States**

4 FOR the purpose of altering the definition of “crime” for purposes of the Criminal  
5 Injuries Compensation Board to make residents of the State against whom  
6 certain acts are committed outside of the United States or a territory or  
7 commonwealth of the United States eligible for an award from the Board; and  
8 generally relating to eligibility for awards from the Criminal Injuries  
9 Compensation Board.

10 BY repealing and reenacting, with amendments,  
11 Article – Criminal Procedure  
12 Section 11–801  
13 Annotated Code of Maryland  
14 (2008 Replacement Volume)

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

17 **Article – Criminal Procedure**

18 11–801.

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

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

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

22 (d) (1) “Crime” means:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 1. this State; or

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

5 (ii) **AN ACT COMMITTED AGAINST A RESIDENT OF THIS**  
6 **STATE OUTSIDE OF THE UNITED STATES OR A TERRITORY OR COMMONWEALTH**  
7 **OF THE UNITED STATES THAT, IF COMMITTED IN THE UNITED STATES OR A**  
8 **TERRITORY OR COMMONWEALTH OF THE UNITED STATES, WOULD CONSTITUTE**  
9 **A CRIMINAL OFFENSE UNDER STATE, FEDERAL, OR COMMON LAW; OR**

10 (iii) an act of international terrorism as defined in Title 18, §  
11 2331 of the United States Code that is committed outside of the United States against  
12 a resident of this State.

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

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

17 (ii) operating a motor vehicle or vessel that results in an  
18 intentional injury.

19 (e) “Dependent” means:

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

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

22 (f) “Victim” means a person:

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

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

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

28 (ii) a felony or a delinquent act that would be a felony if  
29 committed by an adult; or

1 (iii) physical injury or death directly resulting from a crime or  
2 delinquent act; or

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

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

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

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

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2009.