

# SENATE BILL 127

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9lr1217  
CF HB 261

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By: **Senators Brochin, Frosh, and Stone**  
Introduced and read first time: January 16, 2009  
Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: February 10, 2009

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Procedure – Criminal Injuries Compensation Board – Claimant**  
3 **Confidentiality and Eligibility**

4 FOR the purpose of prohibiting the disclosure of the identity or contact information of  
5 a certain victim or claimant by the Criminal Injuries Compensation Board;  
6 prohibiting a person who has been convicted of certain offenses from receiving a  
7 certain award from the Board; and generally relating to the Criminal Injuries  
8 Compensation Board.

9 BY repealing and reenacting, with amendments,  
10 Article – Criminal Procedure  
11 Section 11–806 and 11–808(a)  
12 Annotated Code of Maryland  
13 (2008 Replacement Volume)

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

16 **Article – Criminal Procedure**

17 11–806.

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

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

4 (c) **THE BOARD MAY NOT ALLOW THE INSPECTION, USE, OR**  
5 **DISCLOSURE OF A ~~VICTIM'S OR CLAIMANT'S~~ NAME, ADDRESS, TELEPHONE**  
6 **NUMBER, OR SOCIAL SECURITY NUMBER PROVIDED TO THE BOARD FOR A**  
7 **VICTIM OR A CLAIMANT WHO IS A VICTIM OF A SEXUAL OFFENSE UNDER TITLE**  
8 **3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE.**

9 11-808.

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

12 (i) a victim;

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

14 1. a crime or delinquent act;

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

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

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

25 1. a crime or delinquent act;

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

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

- 1 (iv) 1. a parent, child, or spouse of a victim who resides with
- 2 the victim; or
- 3 2. a parent, child, or spouse of an individual who is
- 4 incarcerated for abuse as defined in § 4-501 of the Family Law Article and who, prior
- 5 to incarceration:
- 6 A. resided with the parent, child, or spouse; and
- 7 B. provided financial support to the parent, child, or
- 8 spouse.

9 (2) [A] **THE FOLLOWING PERSONS ARE NOT ELIGIBLE FOR AN**

10 **AWARD UNDER THIS SUBTITLE:**

11 (I) A person who commits the crime or delinquent act that is

12 the basis of a claim, or an accomplice of the person, is not eligible to receive an award

13 with respect to [the] **THAT** claim; **AND**

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

15 1. ~~A VIOLATION OF § 1-301 (ACCESSORY AFTER THE~~

16 ~~FACT TO A FELONY) OF THE CRIMINAL LAW ARTICLE;~~

17 ~~2.~~ **MURDER OR ATTEMPTED MURDER UNDER §**

18 **2-201, § 2-204, § 2-205, OR § 2-206 OF THE CRIMINAL LAW ARTICLE;**

19 ~~3.~~ ~~ASSAULT UNDER § 3-202 OR § 3-203 OF THE~~

20 ~~CRIMINAL LAW ARTICLE;~~

21 ~~4.~~ **2. ATTEMPTED POISONING UNDER § ~~3-212~~ 3-213 OF**

22 **THE CRIMINAL LAW ARTICLE;**

23 ~~5.~~ **3. CONTAMINATING A WATER SUPPLY OR FOOD OR**

24 **DRINK UNDER § 3-214 OF THE CRIMINAL LAW ARTICLE;**

25 ~~6.~~ **4. A SEXUAL OFFENSE UNDER § 3-303, § 3-304, §**

26 **3-305, § 3-306, § 3-307, § 3-309, § 3-310, § 3-311, § 3-312, § 3-315, § 3-321, §**

27 **3-323, § 3-324, OR § 3-602 OF THE CRIMINAL LAW ARTICLE;**

28 ~~7.~~ **5. ROBBERY UNDER § 3-402 OR § 3-403 OF THE**

29 **CRIMINAL LAW ARTICLE;**

30 ~~8.~~ **6. CARJACKING UNDER § 3-405 OF THE CRIMINAL**

31 **LAW ARTICLE;**

1                   **9. 7. KIDNAPPING UNDER § 3-502 OF THE CRIMINAL**  
2 **LAW ARTICLE;**

3                   **10. 8. CHILD KIDNAPPING UNDER § 3-503 OF THE**  
4 **CRIMINAL LAW ARTICLE;**

5                   **11. 9. CHILD ABUSE UNDER § 3-601 OF THE CRIMINAL**  
6 **LAW ARTICLE;**

7                   **12. 10. DISARMING A LAW ENFORCEMENT OFFICER**  
8 **UNDER § 4-103 OF THE CRIMINAL LAW ARTICLE;**

9                   **13. 11. A WEAPONS OFFENSE UNDER § 4-404 ~~OR § 5-~~  
10 **~~622~~ OF THE CRIMINAL LAW ARTICLE;****

11                   **14. 12. A CONTROLLED DANGEROUS SUBSTANCE**  
12 **OFFENSE UNDER § 5-613 OF THE CRIMINAL LAW ARTICLE;**

13                   **15. 13. ARSON UNDER § 6-102 OR § 6-103 OF THE**  
14 **CRIMINAL LAW ARTICLE;**

15                   **16. 14. MALICIOUS BURNING OF PROPERTY UNDER §**  
16 **6-104 OF THE CRIMINAL LAW ARTICLE;**

17                   **17. 15. A FELONY VIOLATION OF § 9-303**  
18 **(RETALIATION AGAINST VICTIM OR WITNESS TESTIFYING) OR § 9-305 (VICTIM,**  
19 **WITNESS, JUROR, OR COURT OFFICER INTIMIDATION) OF THE CRIMINAL LAW**  
20 **ARTICLE; OR**

21                   **~~18. ESCAPE UNDER § 9-404 OF THE CRIMINAL LAW~~  
22 **~~ARTICLE; OR~~****

23                   **19. 16. A VIOLATION OF TITLE 20, SUBTITLE 6**  
24 **(FEMALE GENITAL MUTILATION) OF THE HEALTH - GENERAL ARTICLE.**

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