

Department of Legislative Services
 Maryland General Assembly
 2009 Session

FISCAL AND POLICY NOTE

House Bill 1386

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

Judiciary

Judicial Proceedings

**Criminal Procedure - Criminal Injuries Compensation Board - Claims by
 Victims 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 under that definition an act committed against a resident of Maryland outside of the United States or a territory or commonwealth of the United States, that would constitute a criminal offense under State, federal, or common law.

Fiscal Summary

State Effect: Criminal Injuries Compensation Fund awards may increase by \$24,000 annually beginning in FY 2010. Federal reimbursements to the fund will increase by \$14,400 annually beginning in FY 2011. The overall solvency and balance of the fund will not be significantly affected.

(in dollars)	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
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 (DPSCS) 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 (CICB) in DPSCS provides financial assistance for innocent victims of crime. The board may compensate victims who suffer physical or psychological 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 it 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: \$1,000 for each claimant; and \$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: Under current law, a Maryland citizen abroad is unable to make claims for injuries resulting from a criminal act unless the citizen is a victim of international terrorism. With some exceptions, there are generally no criminal injury compensation programs in foreign countries. The U.S. State Department has established an office to assist U.S. citizens, who are crime victims, to obtain needed documentation for criminal injury compensation claims in the states that allow for such awards. According to the CICB, more than half of the states in the U.S. now allow for such claims and awards.

The Criminal Injuries Compensation Fund paid out approximately \$5.9 million in fiscal 2008 for 760 claims filed. Assuming 800 claims are filed in fiscal 2009, awards for the current fiscal year will total about \$5.4 million. The proposed fiscal 2010 State budget includes \$5.4 million for awards. While the fund remains solvent, the fund balance has continued to decline in recent years, due primarily to the fund becoming more widely known, more victim advocates referring victims to the board, and the expansion in the types of allowable claims.

State Fiscal Effect: The bill is not expected to meaningfully affect the fund balance or the ability to meet future obligations for awards. 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. DPSCS projects that \$24,000 in additional awards will be granted annually, of which \$14,400 will be paid by the federal government.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - March 17, 2009
ncs/hlb

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Criminal Procedure – Criminal Injuries Compensation Board – Claims by
Victims Outside of the United States

BILL NUMBER: HB 1386

PREPARED BY: Department of Public Safety and Correctional Services

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.