

HOUSE BILL 77

E2

0lr0119

(PRE-FILED)

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

Requested: November 6, 2009

Introduced and read first time: January 13, 2010

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 16, 2010

CHAPTER _____

1 AN ACT concerning

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

4 FOR the purpose of altering the definition of “crime” for purposes of the Criminal
5 Injuries Compensation Board to make certain residents of the State against
6 whom certain acts are committed in certain other countries eligible for an
7 award from the Board; and generally relating to the eligibility for awards from
8 the Criminal Injuries Compensation Board.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Procedure
11 Section 11–801
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2009 Supplement)

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 11–801.

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

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) “Board” means the Criminal Injuries Compensation Board.

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

3 (d) (1) “Crime” means:

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

6 1. this State; or

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

8 (ii) ~~AN ACT COMMITTED AGAINST A RESIDENT OF THIS~~
9 ~~STATE IN ANOTHER COUNTRY, EXCEPT A COUNTRY LISTED BY THE UNITED~~
10 ~~STATES DEPARTMENT OF STATE AS A STATE SPONSOR OF TERRORISM;~~

11 1. COMMITTED AGAINST A PERSON WHO IS A
12 RESIDENT OF THE STATE WHEN THE ACT IS COMMITTED;

13 2. COMMITTED IN A FOREIGN COUNTRY; AND

14 3. THAT IF COMMITTED IN THE UNITED STATES OR A
15 TERRITORY OR COMMONWEALTH OF THE UNITED STATES WOULD CONSTITUTE
16 A CRIMINAL OFFENSE UNDER STATE, FEDERAL, OR COMMON LAW; OR

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

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

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

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

26 (e) “Dependent” means:

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

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

29 (f) “Victim” means a person:

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

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

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

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

8 (iii) physical injury or death directly resulting from a crime or
9 delinquent act; or

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

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

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

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.