

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 816

(Senator Forehand, *et al.*)

Judicial Proceedings

Criminal Restitution - Expansion

This bill expands the availability of court-ordered restitution to a victim who, as a direct result of a crime or delinquent act (1) suffered actual or threatened physical, emotional, or financial harm; (2) suffered financial expenses or losses not currently specified under the restitution statute; (3) suffered a loss of benefits or support; or (4) incurred mental health expenses.

A judgment of restitution does not preclude the property owner or victim who suffered loss of benefits or received an award or other amount from a judgment of restitution from bringing a civil suit to recover damages from the restitution obligor.

Fiscal Summary

State Effect: The bill is procedural in nature and is not expected to materially affect State finances.

Local Effect: The bill is procedural in nature and is not expected to materially affect local finances.

Small Business Effect: None.

Analysis

Current Law: A court is authorized to order a defendant or child respondent to make restitution for a variety of expenses incurred or property losses sustained by a victim, including loss of earnings. This restitution is in addition to any penalties for the commission of a crime or delinquent act. A victim is presumed to have a right of

restitution if the victim or the State makes a request to the court and the court is presented with competent evidence of the claimed loss/expense. A judgment of restitution does not preclude a victim or property owner who suffered personal physical or mental injury, out-of-pocket loss of earnings, or support from bringing a civil suit to recover damages from the restitution obligor.

Additional Information

Prior Introductions: None.

Cross File: HB 792 (Delegate Lee, *et al.*) - Judiciary.

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

Fiscal Note History: First Reader - February 28, 2010
mlm/kdm

Analysis by: Amy A. Devadas

Direct Inquiries to:
(410) 946-5510
(301) 970-5510