

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 356
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, after “vehicle;” insert “authorizing a court to enter a judgment of restitution for a certain victim under certain circumstances;”.

On page 2, after line 42, insert:

“BY repealing and reenacting, with amendments,
Article - Criminal Procedure
Section 11-603
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)”.

AMENDMENT NO. 2

On page 10, in line 11, strike “**\$1,200**” and substitute “**\$1,000**”.

On page 17, in line 28, strike “**DIFFERENT**” and substitute “**LOWER**”.

On page 18, in line 13, after the second “A” insert “**LOWER**”; in line 15, strike “**\$300**” and substitute “**\$175**”; in line 16, strike “**\$30**” and substitute “**\$10**”; and in line 20, strike “**\$1,200**” and substitute “**\$1,000**”.

AMENDMENT NO. 3

On page 10, after line 25, insert:

“Article – Criminal Procedure

11–603.

(Over)

(a) A court may enter a judgment of restitution that orders a defendant or child respondent to make restitution in addition to any other penalty for the commission of a crime or delinquent act, if:

(1) as a direct result of the crime or delinquent act, property of the victim was stolen, damaged, destroyed, converted, or unlawfully obtained, or its value substantially decreased;

(2) as a direct result of the crime or delinquent act, the victim suffered:

(i) actual medical, dental, hospital, counseling, funeral, or burial expenses or losses;

(ii) direct out-of-pocket loss;

(iii) loss of earnings; or

(iv) expenses incurred with rehabilitation;

(3) the victim incurred medical expenses that were paid by the Department of Health and Mental Hygiene or any other governmental unit;

(4) a governmental unit incurred expenses in removing, towing, transporting, preserving, storing, selling, or destroying an abandoned vehicle as defined in § 25-201 of the Transportation Article;

(5) the Criminal Injuries Compensation Board paid benefits to a victim; [or]

(6) the Department of Health and Mental Hygiene or other governmental unit paid expenses incurred under Subtitle 1, Part II of this title; OR

(7) THE VICTIM INCURRED EXPENSES RELATED TO THE REMOVAL, TOWING, TRANSPORTING, PRESERVING, STORING, SELLING, OR DESTRUCTION OF A VEHICLE AS A RESULT OF A CRIME OR DELINQUENT ACT.

(b) A victim is presumed to have a right to restitution under subsection (a) of this section if:

(1) the victim or the State requests restitution; and

(2) the court is presented with competent evidence of any item listed in subsection (a) of this section.

(c) (1) A judgment of restitution does not preclude the property owner or the victim who suffered personal physical or mental injury, out-of-pocket loss of earnings, or support from bringing a civil action to recover damages from the restitution obligor.

(2) A civil verdict shall be reduced by the amount paid under the criminal judgment of restitution.

(d) In making a disposition on a finding that a child at least 13 years old has committed an act of graffiti under § 6-301(d) of the Criminal Law Article, the court shall order the child to perform community service or pay restitution or both.”.